

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59423 of 2019

Arising Out of PS. Case No.-58 Year-2019 Thana- PAHARPUR District- East Champaran

ARVIND MISHRA Son of Narad Mishra Resident of Village- Panditpur, P.S.-
Paharpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 147, 148, 149, 341, 323, 307 and 504 of the Indian Penal Code, registered in connection with Paharpur P.S.Case No. 58 of 2019.

3. It is submitted that the petitioner has been falsely implicated in connection with the murder of the informant's son Sanjay Yadav. It is submitted that the accusation of firing is general and omnibus against the accused persons including the petitioner and in course of investigation witnesses have specifically named co-accused Shahzad as the main assailant who had fired on the informant's son. The petitioner claims clean



antecedents.

4. Perusal of paragraph 9 of the case diary containing the statement of the informant discloses that he has specifically named co-accused Shahzad as the person who had fired upon his son. In paragraph 24, the injured son of the informant has made general and omnibus accusation of having been fired at from behind without however specifically naming the petitioner as the main assailant. Similarly, the witness Bipin Yadav has stated in paragraph 10 that Shahzad fired from his country-made pistol. Kumar

5. Be that as it may, in the event of petitioner's arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Paharpur P.S. Case No. 58 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following further conditions:



(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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