

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67817 of 2019

Arising Out of PS. Case No.-421 Year-2018 Thana- CHANPATIA District- West Champaran

BINOD MISHRA Son of Janardhan Mishra Resident of Village - Birti Tola
Lachhu Chhapar, P.S.- Chanpatia, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mr. Nilesh Kumar, Adv.
	:	Mr. Malay Kumar Choudhary, Adv.
For the Opposite Party/s	:	Mr. Umesh Chandra Verma, Adv.
	:	Mr. Abhishek Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 18-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seek bail in connection with Chanpatia P.S. Case No. 421 of 2018 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 337, 338, 504, 506 of the Indian Penal Code and Section 302 of the Indian Penal Code was added.

Petitioner had earlier moved this Court for regular bail vide Cr. Misc. No. 13578 of 2019 which was rejected on 29.03.2019.

Informant has alleged that some dispute took place



between the parties with respect to unloading of soil and it is further alleged that accused Hari Shankar Mishra called other FIR named accused and there is specific allegation that at the instigation of Janardhan Mishra, Ravikant Mishra and Binod Mishra (petitioner) assaulted the son of informant Arvind Kumar by iron rod, as a result he suffered grievous injury on head and thereafter his son was taken to the Hospital where he died during treatment.

It has been submitted on behalf of the petitioner that petitioner is innocent and has been falsely implicated in this case. Occurrence is of 14.10.2018 but FIR was instituted on 17.10.2018 and deceased died on 18.10.2018. Cause of death is head injury and septicemia and assault on head is attributable to Guddu Mishra and petitioner. Death was accidental and not homicidal. There is case and counter case. Petitioner has no criminal antecedent is in custody since 27.11.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court below, in connection with Chanpatia P.S. Case No.



421 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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