

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24627 of 2020

Arising Out of PS. Case No.-324 Year-2018 Thana- SAHPUR District- Bhojpur

BRAJESH MISHRA @ BRAJESH KUMAR MISHRA Son of Shivajeet
Mishra Resident of Village - Sonbarsha, P.S. - Sahpur, District - Bhojpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh No. 5, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 04-11-2020 . As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Arun Kumar Singh No. 5,APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Sahpur (Karnamepur O.P.) PS Case No. 324 of 2018 registered under Sections 307, 354, 34 of the



IPC and Sections 25(1-B)a, 26(i)(ii), 34 and 27 of the Arms Act.

On a secret information regarding petitioner's whereabouts the police have proceeded to the house of co-accused Hari Shankar Yadav for the purpose of arresting the petitioner who is stated to be a notorious criminal. The police on reaching the house of Hari Shankar Yadav have been faced with firing from within the house. The petitioner has been apprehended fleeing away from the house.

It is submitted by learned Counsel for the petitioner that the allegations prima facie appear to be false. The allegation is that many persons have opened the gate of the house and fled away when the police had encircled the building, but surprisingly, the petitioner only has been arrested. It is submitted that no empty cartridge has been recovered from the place of occurrence. The petitioner is in custody in connection with this case since 14.10.2018.

The petitioner has disclosed eight cases pending against him since before. In three out of these eight, he has already been acquitted or final form has been submitted. The petitioner is on bail in two cases and in other two cases namely Sahpur PS Case No. 48 of 2018 and Sahpur PS Case No. 302 of 2018 it is submitted that the petitioner is taking steps before the appropriate forum for grant of bail. Further submission is that the recovery is not in accordance with law as there is no forensic opinion in respect of alleging fire arm recovered from the petitioner.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Bhojpur, Ara in Sahpur (Karnamepur O.P.) PS Case No. 324 of 2018 subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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