

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18437 of 2021

Arising Out of PS. Case No.-229 Year-2020 Thana- PIRO District- Bhojpur

Chhotu Mishra @ Purshotam Mishra Son Of Sri Uma Shankar Mishra
Resident Of Village- Mishra Karma, P.S.- Tarari, District- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner submits that due to
typographical error in the prayer portion of this application in place
of Regular Bail Anticipatory Bail has been typed, it may be
corrected.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Piro P.S. Case No.
229 of 2020 registered for the offence punishable under Sections 279,
307/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation against the petitioner is that petitioner along with
other two co-accused persons fired upon the informant which hit the



upper waist portion of the informant due to which he sustained injury and fell down and they fled away from the place of occurrence. Earlier a scuffle was held between the informant and three accused persons as the accused persons while riding on a same motorcycle hit the informant's motorcycle rashly as a result of which some parts of his motorcycle got broken. It is alleged that they paid the amount of Rs. 400/- for the damaged caused but in return asked for the money for the damaged caused to their vehicle and in the meantime fired upon the informant.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that petitioner has not fired upon the informant (injured), nor the informant who already knows the name of the petitioner have stated that petitioner has fired upon the informant. He submits that petitioner was not driving the motorcycle and nor the petitioner is the owner of the any motorcycle. He further submits that during the investigation neither the informant in his statement nor any P.O. witness who have been examined have stated that it is the petitioner who fired upon the informant. The allegation levelled against the petitioner is not specific rather general and omnibus in nature and only on suspicion petitioner is made accused in this case. The petitioner has no criminal antecedent and has been languishing in custody since 17.12.2020.



Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Piro P.S. Case No. 229 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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