

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21986 of 2021

Arising Out of PS. Case No.-48 Year-2016 Thana- SAHPUR District- Bhojpur

=====

Brajesh Mishra S/o Shivajeet Mishra Resident of Village- Sonversha, P.S.-
Shahpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s :	Mr.Ravindra Kumar
For the Opposite Party/s :	Mr.Manoj Kumar
	Mr. Sunil Kumar Pandey
	Mr. Sanjay Kumar Tiwary

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 27-09-2021 Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Shahpur P.S. Case No. 48
of 2016 corresponding to Sessions Trial No. 402 of 2018,
registered for the offence punishable under Sections 307, 302
and other allied sections of the Indian Penal Code.

As per the prosecution case, this petitioner along with
co-accused Haresh Mishra made indiscriminate firing, as a
result of which Bisheshwar Ojha (uncle of the informant) died
and the driver got injured.

It is submitted on behalf of the petitioner that from
perusal of FIR it appears that informant is not eye-witness of the
occurrence. Some of the witnesses have named this petitioner as



one of the person who was present at the place of occurrence. Further submitted that in the marriage ceremony of nephew of Chandeshwar Ojha, the informant and others had gone to participate where the alleged occurrence took place, but even the statement of Chandeshwar Ojha has not been recorded by the IO. The driver who also got injured in the aforesaid occurrence has not identified this petitioner as one of the assailants. Petitioner is in custody since 26.11.2018.

Learned APP however, vehemently opposed the prayer for bail and submitted that there is direct and specific allegation of firing against this petitioner by carbine, as a result of which uncle of the informant died.

Considering the nature and gravity of offence, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Singh, J)

vinita/-

U		T	
---	--	---	--

