

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33032 of 2021

Arising Out of PS. Case No.-53 Year-2020 Thana- LAURIA District- West Champaran

Pragat Mishra @ Pragat Kumar Mishra, son of Rajendra Mishra, resident of
Village- Belwa More, Police Station- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 30-09-2021 Heard learned counsel for petitioner and

learned counsel for the State.

Petitioner, who is in custody, seeks bail in a

case registered for the offences punishable under

Sections 147, 148, 149, 341, 323, 324, 307, 354(B),

448, 380, 504 of the Indian Penal Code and later on,

Section 302 I.P.C was also added.

The prosecution case as per the F.I.R is that in

the background of a dispute with regard to distribution

of share in the property, ten co-accused persons

including the petitioner armed with deadly weapons

came and started abusing the informant. It is alleged



that thereafter co-accused Sushant, Prashant, Nishant and Saket started assaulting the informant by lathi and iron rod and when the wife of the informant came to his rescue, she was assaulted by the petitioner and other co-accused persons by fists and slaps. The accused persons are also alleged to have assaulted the sons of the informant when they came to rescue of their parents. The petitioner is also alleged to have taken away *Mangalsutra* and cloths kept in a box. The informant was thereafter taken to the hospital, who subsequently died during treatment.

It has been submitted on behalf of the petitioner that in the background of a dispute with regard to distribution of share in the property, the occurrence took place. In the entire F.I.R, there is no allegation against this petitioner to have made any assault on the victim and the allegation of assaulting the wife and sons of the informant is general and omnibus against many of the accused persons including the



petitioner. The petitioner is in custody since 12.01.2021.

Considering the fact that petitioner is not alleged to have assaulted the deceased and the allegation against the petitioner appears to be general and omnibus in nature as well as the period under custody, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, West Champaran, Bettiah in connection with Lauriya P.S. Case No. 53 of 2020, subject to 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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