

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.33110 of 2020

Arising Out of PS. Case No.-148 Year-2020 Thana- KATEYA District- Gopalganj

NITYANAND MISHRA @ BADE MISHRA Son of Babuna Mishra Resident
of Village - Repura, P.S.- Katya, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kr. Jha

Mr. Dhramveer

For the Opposite Party/s : Mr. Md. Aslam Ansari

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

4 12-01-2021

Heard learned counsel for the parties.

This application for regular bail arises out of Katya
P.S. Case No. 148 of 2020, disclosing offence punishable under
Sections 302/34 of the Indian Penal Code.

There are four persons named in the FIR including
this petitioner. The deceased was Mahanth of a Math, who was
allegedly killed by an injury caused in his head with hard and
blunt substance. Name of one Ajay Rai surfaced during the
course of investigation with the aid of a sniffer dog. Said Ajay
Rai is said to have confessed before the police that he had killed
the deceased by hitting him with a bamboo stick in his head. He
is said to have disclosed the role of this petitioner also in



commission of the offence. The petitioner is also said to have admitted his participation in his confessional statement before the police.

Case diary has been called for, which I have carefully perused.

Learned counsel appearing on behalf of the petitioner has argued that even if what has been disclosed in the statement of Ajay Rai before the police is treated to be correct, there is no allegation against this petitioner of making any assault nor any active participation of the petitioner has been mentioned. He has submitted that even as per the materials collected in course of investigation the fatal blow was given by said co-accused Ajay Rai. The motive behind the occurrence is said to be some dispute for making available *ganja* for consumption by the miscreants.

Having perused the case diary, I find substance in submission made on behalf of the petitioner, who is in custody since 22.05.2020. The petitioner has no criminal antecedent.

Considering the facts and circumstances, this application 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 learned Chief Judicial Magistrate, Gopalganj, in
Katya P.S. Case No. 148 of 2020.

(Chakradhari Sharan Singh, J)

Rajesh/-

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