

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 425 of 2021

Arising Out of PS. Case No.-542 Year-2019 Thana- MASAUDHI District- Patna

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MUNNA MISHTRI S/O LATE BINDESHWAR MISHTRI R/O VILLAGE
CHOTAKI MASAUHRI, P.S-MASAUHRI, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Rajkumar Rajesh, Advocate
For the State	:	Ms Pushpa Sinha, APP
For the Informant	:	Mr Shashank Chandra, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **16-03-2021** Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Masaurhi Police Station
(for brevity, *PS*) Case No 542 of 2019 dated 20.07.2019
instituted for the offence punishable under Sections 341, 342,
323, 324, 325, 354, 307, 302/34 of Indian Penal Code.

The prosecution case is that the cow of one of the co-
accused entered the orchard of the informant. The said dispute
has led to assault by the petitioner along with other co-accused
persons upon the husband of the informant who has
subsequently succumbed to his injuries.

Learned counsel for the petitioner submits that
petitioner has been implicated in this case based on subsisting



family dispute between the parties. In fact, the deceased was a history sheeter having about 8 cases pending against him and, who had earlier, also fled away from police custody. He was murdered by someone else and taking advantage of the situation, the petitioner, having no criminal antecedent, has been made accused on extraneous considerations. The petitioner, in this circumstance, is in custody since 27.07.2019. Co-accused Sujay Singh has been allowed bail by this Court in Cr Misc No 27380 of 2020 on 22.12.2020. Co-accused Vijay Singh had also moved for grant of bail earlier when his prayer was rejected by this Court by order dated 28.05.2020 passed in Cr Misc No 4530 of 2020, with liberty to renew his prayer if trial does not begin within six months.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Masaurhi, District - Patna in Masaurhi PS Case No 542 of 2019 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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