

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1812 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- SARAI District- Vaishali

SUBHASH MISHRA S/o Haridwar Mishra Resident of Village- Akhtiyarpur
Patedha Ward No. 03, P.S.- Sarai, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 04-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 06.05.2020 in connection with Sarai P.S. Case No. 60 of 2020 registered for the offences punishable under Sections 147/148/149/341/323/324/ 307/302/120(B) of the Indian Penal Code.

As per the prosecution case, on 16.03.2020, when the daughter of the informant was going to attend tuition, co-accused Sudhanshu Mishra misbehaved with daughter of the informant. It is further alleged that this petitioner along with co-accused Sudhanshu Mishra reached the house of the informant and threatened her and when the informant objected the misbehaviour of the accused persons, this petitioner along with



co-accused Sudhanshu Mishra assaulted him bamboo sticks. It is further alleged that 11 accused persons armed with *lathi* and *danda* came at the door of the informant and one co-accused Pintu Mishra assaulted the daughter of the informant Deepa Kumari by means of Dabiya who fell down and finally died.

It is submitted on behalf of the petitioner that there is general and omnibus allegation against this petitioner and the specific allegation of assault on the deceased is against Pintu Mishra. This petitioner is alleged to have assaulted second daughter of the informant by bamboo stick and the injury is simple in nature caused by hard and blunt substance. It is next submitted that both the parties are co-villagers and *Gotia*. Chargesheet has already been submitted in this case and other similarly situated co-accused persons have been granted bail vide order dated 16.09.2020 passed in Cr. Misc. No. 23807 of 2020.

Considering the aforesaid facts and circumstances and taking into consideration the material available on record and the allegation against this petitioner is of assault by bamboo stick, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of



the like amount to the satisfaction of learned ADJ 1st cum
Special Judge, Vaishali at Hajipur in connection with Sarai P.S.
Case No. 60 of 2020, subject to following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.
- (2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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