

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4457 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- EKMA District- Saran

-
1. RUPESH KUMAR MISHRA SON OF LATE MANANDEV MISHRA
RESIDENT OF VILLAGE- TILKAR P.S.- EKMA, DISTRICT- SARAN
 2. KRISHNA MISHRA SON OF LATE MANANDEV MISHRA RESIDENT
OF VILLAGE- TILKAR P.S. EKMA DISTRICT- SARAN
 3. GOPI MISHRA SON OF LATE MANANDEV MISHRA RESIDENT OF
VILLAGE- TILKAR, P.S. EKMA DISTRICT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioners seek bail in connection with Ekma P.S.
Case No. 295 of 2021 registered for the offence under Sections
147, 148, 149, 307, 302 and 379 of the Indian Penal Code and
27 Arms Act.

The accused/petitioners are named in the F.I.R. and
are in custody since 17.09.2021.

The allegation against the petitioners is to commit



murder of brother of the informant with the help of hired killer, for the dispute related with the partition of ancestral property.

Learned counsel appearing on behalf of the petitioners submitted that specific allegation of firing is against co-accused Aditya Vinayak @ Harshit Mishra, Ankit Kumar @ Robin and Ashish Kumar Mishra. It has further been submitted that the allegation against the petitioners is only limited to be part of conspiracy, related with present occurrence. It has further been submitted that petitioners are men of clean antecedent and charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence. While concluding the argument, it has been submitted that similarly situated co-accused has already been granted bail by a learned co-ordinate Bench through Cr. Misc. No. 1498 of 2022 dated 25.05.2022.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, fairly conceded the fact that specific allegation of firing is not against the petitioners.

Considering the facts and circumstances as mentioned above, as the specific allegation of firing is not against the petitioners, who are men of clean antecedent, let the petitioners,



above named, are directed to be released on bail in connection with Ekma P.S. Case No. 295 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Ist, Saran, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(ii) That one of the bailors shall be Rajkumari Kunwar, who is the mother of the petitioners and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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

