

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10720 of 2022**

Arising Out of PS. Case No.-204 Year-2021 Thana- GORIAKOTHI District- Siwan

SHUBHASH MISHRA SON OF JAGAT KISHORE MISHRA R/O VILLGE-
SAIDPURA, P.S.- GOREAKOTHI, DISTRICT- SIWAN, BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kant, Adv.
For the State	:	Mr. Sanjay Kumar Singh, APP
For the Informant	:	Mr. Bijay Prakash Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 19-12-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 307 and other sections of the Indian Penal Code to which section 302 of the Indian Penal Code was added subsequently.

As per the prosecution case, the petitioner is said to have given a knife blow on the chest of the uncle of the informant namely Rameshwar Tiwary who subsequently died.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Admittedly, the informant is not an eye witness to the occurrence. The statement of Rameshwar Tiwary was recorded in course of investigation wherein he has not supported the



allegations as made in the F.I.R. against this petitioner. The petitioner is in custody since 11.11.2021 and undertakes to cooperate in the trial.

The prayer for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the informant is an eye witness to the occurrence and specific allegation is made against the petitioner of having struck Rameshwar Tiwary on his chest with a knife which is supported by the contents of the post-mortem report.

Having heard learned counsel for the parties and taking into consideration the nature of allegation levelled against the petitioner in the F.I.R. together with the contents of the post-mortem report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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