

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24311 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- KATEYA District- Gopalganj

Ramesh Mishra Son of Shyam Bihari Mishra R/o Village- Panan, P.S.-
Kateya, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 386, 387,
302, 120(B)/34 of the Indian Penal Code and Section 27 of the
Arms Act.

According to prosecution case, in brief, is that the
informant Rajendra Singh filed a written report before the
S.H.O., Kateya police station alleging therein that the informant
runs a business of Building material supplier. It is alleged that
renowned criminal Munna Mishra in association with his
associates, namely, Munna Jaiswal, Dhananjay Pandey, Israfil
Dewan, Harkesh Mishra had demanded Rangdari of Rs.50 lacs



in September, 2020 for which Kateya P.S. Case No. 291 of 2020 was lodged by him. Thereafter, the associate of accused Munna Mishra, namely, Alkeshwar Mishra used to give threatening call for payment of Rangdari Rs. 50 lacs from his mobile and due to fear of life, he had given Rs.2,50,000/- to Alkeshwar Mishra for accused Munna Mishra in Rangdari and in spite of that Alkeshwar Mishra used to make pressure for payment of Rangadari. It is further alleged that on 25.05.2021, the informant was sitting at his shop, his brother Dilip Singh came at shop and told him to go home and he had only moved 50 meters from the shop to go home, then he sound of firing was heard and saw that accused Munna Jaiswal on motorcycle was standing and accused Munna Mishra having armed with AK-47 rifle came out from his shop and sat on the motorcycle of Munna Sah and fled away towards West and on a Bullet motorcycle accused Dhananjay Pandey, Israfil Dewan and Harkesh Mishra followed both of them. Thereafter, the informant rushed to his shop and found that his brother Dilip Singh is shot in the chest and has fallen on the counter covered in blood. Thereafter, the informant with help of nearby people brought his brother to Kateya Hospital where the doctor declared him dead.



Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and name of the petitioner has been transpired on the basis of confessional statement of co-accused namely, Munna Sah and Dhananjay Sah and except the confessional statement no cogent material has come during investigation against the petitioner.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Kateya P.S. Case No. 177 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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