

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33839 of 2021

Arising Out of PS. Case No.-40 Year-2021 Thana- PARIHAR District- Sitamarhi

Satyendra Mishra S/O Late Ramashish Mishra Resident of Parwaha (Ward No. 12), P.S.- Parihar, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K Agrawal. Sr. Adv. with Mr. Dr. Bidhu Ranjan, Adv. Mr. Kumar Rajdeep, Adv.
For the Opposite Party/s :		Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

9 27-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Parihar P.S. Case No. 40 of 2021 lodged under Sections 307,
326 of the I.P.C. read with Section 27 of the Arms Act.

As per the prosecution case, the petitioner has fired by
his licensee pistol upon the informant, in result the informant
and his nephew both were injured and from where they have
been referred to the hospital P.M.C.H. Death has not caused by
this firing.

Learned counsel for the petitioner submits that Arms

Act shall not applicable in the present case. Due to the reason that said in para 8, it is categorically stated that petitioner has valid arms licence. Learned counsel for the petitioner further submits that the informant and the accused belongs to same common ancestor that is Ramashish Mishra and the dispute took place only for the measurement of the land. Learned counsel for the petitioner submits that antecedent of the petitioner is clean and he is in custody since 26.02.2021, charge sheet has already been submitted in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Parihar P.S. Case No. 40 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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