

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28481 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- GORIAKOTHI District- Siwan

1. SANKET MISHRA @ SANKET KUMAR MISHRA S/o Sri Manandeo Mishra R/o village- Sarari, P.S.- Goreya Kothi, District- Siwan (Bihar)
2. Krishna Mohan Mishra S/o Sri Manandeo Mishra R/o village- Sarari, P.S.- Goreya Kothi, District- Siwan (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Tiwary, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Mukesh Kant, Advocate
		Mr. Ashish Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-09-2022 Heard Ranjeet Tiwary, learned counsel for the petitioner, Mr. Mukesh Kant, learned counsel for the informant duly assisted by Mr. Ashish Anand as also Mr. Bharat Bhushan, learned counsel for the State.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is in judicial custody in connection with Goreya Kothi P.S. Case No. 31 of 2022 for the offences under Sections 341, 323, 324, 307, 448, 504, 506/34 of the Indian Penal Code.

The allegation in the FIR is that petitioner no.1, namely, Sanket Mishra @ Sanket Kumar Mishra uploaded



certain indecent/objectionable messages against informant's daughter Nivedita on social sites and when this was protested by them, it is alleged that they assaulted the informant as a result he became unconscious. Against petitioner, Sanket Mishra @ Sanket Kumar Mishra, allegation is of using 'dab' to hit on his head causing injury. Later, he was brought to Primary Health Centre, Goraiya Kothi where his treatment was going on. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that there is counter case and injury on the other side also in which the FIR was lodged by the mother of the petitioner. He further submits that he is bright Engineer working in Rajasthan and has suffered a lot despite having clean antecedent.

Per contra, learned counsel for the informant, on the other hand, submits that a perusal of the injury report shows that the injury inflicted by the petitioner no. 1, Sanket Mishra @ Sanket Kumar Mishra, on the head of the informant is grievous in nature.

Considering the aforesaid facts, so far as petitioner no. 1, namely, Sanket Mishra @ Sanket Kumar is concerned, this Court is inclined to grant him privilege of bail only after framing of the charges.



Let the petitioner no. 1, namely, Sanket Mishra @ Sanket Kumar Mishra be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -IX, Siwan in connection with Goreya Kothi P.S. Case No. 31 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

So far as petitioner no.2, namely, Krishna Mohan



Mishra is concerned, learned counsel for the petitioner submits that there is no allegation against him as has been reflected from the FIR. He is in custody since 05.03.2022 having clean antecedent.

Taking into account the aforesaid facts, this Court is inclined to grant him (Krishna Mohan Mishra) privilege of bail.

Let the petitioner no. 2, namely, Krishna Mohan Mishra be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -IX, Siwan in connection with Goreya Kothi P.S. Case No. 31 of 2022, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his



bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Jagdish/Neha-

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

