

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46203 of 2021

Arising Out of PS. Case No.-462 Year-2020 Thana- SUGAULI District- East Champaran

HARIOM MISHRA @ METAL MISHRA S/O SRI ANAND KUMAR
MISHRA @ NANDU MISHRA R/o village- Sugaon, P.S.- Sugauli, District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-03-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Sugauli PS case no. 462 of 2020 instituted for the offences
punishable under Sections 341, 323, 324, 325, 307, 379, 504,
506/34 of Indian Penal Code.

The accused persons including the petitioner is
alleged to have assaulted the informant and as far as the
petitioner is concerned, he along with Anand Kumar Mishra is
stated to have assaulted the informant by lathi and iron rod,
resulting in the informant sustaining injuries.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely



implicated in the present case and is languishing in custody since 23.03.2021. The learned counsel for the petitioner has referred to the injury report of the informant, annexed as Annexure-3 to the present petition, to submit that the injury inflicted upon the informant is over the face and the same is stated to be incised wound, however the allegation levelled on the petitioner is regarding him hitting the informant by an iron rod which is a hard and blunt substance, hence the same could not have caused incised wound. The learned counsel for the petitioner has further submitted that the petitioner is ready and willing to abide by such conditions as may be deemed fit and proper to be imposed by this Court for the purposes of grant of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that *prima facie*, the allegation levelled against the petitioner does not stand corroborated by the injury report of the informant, apart from the fact that the petitioner is languishing in custody since about



11 months, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of J.M. 1st class, Motihari at East Champaran in connection with Sugauli PS case no. 462 of 2020.

(Mohit Kumar Shah, J)

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