

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49351 of 2021

Arising Out of PS. Case No.-118 Year-2021 Thana- SIKARHATTA District- Bhojpur

MUSHRI MISHRA @ ABHINANDAN MISHRA Son of Lalu Mishra @
Sampat Mishra R/o Village- Sonbarsha, P.S.- Charpokhari, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate

Mr. Amrendra Narayan Rai, Advocate

For the Opposite Party/s : Mrs. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Sikarhatta P.S. Case No. 118 of 2021, for the offence punishable
under Section 307 of the Indian Penal Code.

The prosecution story, in brief, is that on 06.06.2021
while informant was returning his house after attending call of
nature, in the meantime, petitioner came and stabbed in his
stomach.

Learned Senior Counsel appearing on behalf of the
petitioner submits that the the allegation made in the F.I.R.
cannot be sustained, in fact, the alleged incident took place on



06.06.2021 and the F.I.R. was lodged on 24.06.2021, after 18 days of the occurrence. He further submits that from the injury report it would appear that the said injury is skin deep though on the vital part of the body, but such allegation cannot be sustained as there is no reason assigned in the F.I.R. as what laid the informant to lodge the F.I.R. after such a delay of 18 days. The petitioner is in custody since 27.06.2021 on the basis of suspicion. There is enmity between the parties, the petitioner deserves to be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and nature of allegation made in the F.I.R. though the allegation is that petitioner has stabbed the informant in his abdomen, but from the injury report it appears that injury is skin deep. The F.I.R. has been lodged for the said incident, which has taken place on 06.06.2021, after much delay on 24.06.2021, no convincing explanation has been given for such delay in lodging the F.I.R. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Bhojpur at Ara in connection with Sikarhtta P.S.

Case No. 118 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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