

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49911 of 2021

Arising Out of PS. Case No.-73 Year-2020 Thana- SIMRI District- Buxar

MANOJ MISHRA S/O LATE INDERDEO MISHRA R/o village-
Dhananjaypur, P.S.- Simari, District- Buxar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-03-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 29 of 2021, arising out of Simri Police Station Case No. 73 of 2020, registered for the offences punishable under Sections 147/341/323/307/504/506 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that ten accused persons, including the petitioner, arrived at the house of the informant, assaulted his son and wife by means of iron rod (rami), lathi etc. and there is specific allegation against co-accused Sanjay Mishra and Ganesh Mishra inasmuch as Sanjay Mishra caught hold the informant's son and Ganesh Mishra assaulted him on his head by means of iron rod



(rami), due to which he received injuries.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case along with nine other accused persons. He further submits that there is case and counter case inasmuch as Simri Police Station Case No. 85 of 2020 has been lodged by the side of the petitioner against the informant and others. He next submits that there is no specific allegation of assault against the petitioner and co-accused, Ganesh Mishra, against whom there is allegation of assault by means of iron rod (rami) on the head of the informant's son and four other co-accused persons have been granted anticipatory bail by co-ordinate Bench of this Court, vide order, dated 26.03.2021, passed in Criminal Misc. No. 36467 of 2020. He further submits that the petitioner is in custody since 22.09.2020 and charge sheet has been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that there is general and omnibus allegation against the petitioner, similarly situated



co-accused persons have been granted anticipatory bail by this Court, charge sheet has already been submitted and the petitioner is in custody since 22.09.2020, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 9th Additional Sessions Judge, Buxar, in connection with Sessions Trial No. 29 of 2021, arising out of Simri Police Station Case No. 73 of 2020.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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