

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41440 of 2022

Arising Out of PS. Case No.-958 Year-2019 Thana- ARA NAWADA District- Bhojpur

CHHOTE MISHRA @ DHARMENDRA MISHRA Son of Raj Kishore
Mishra Resident of Village - Karman Tola, Near Rasi Bagan Ara, P.S.- Ara
Nawada, District - Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Upadhyay

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Ara
Nawada P.S. Case No. 985 of 2019 registered for the offences
punishable under Sections 147, 148, 149, 34, 323, 324, 307, 379,
504, 506 of the Indian Penal Code and Section 27 of the Arms Act
and subsequently added Section 302 of Indian Penal Code.

As per prosecution case, petitioner alongwith other
co-accused persons went to the house of the informant and started
abusing and assaulting informant's wife. It is further alleged that
informant's brother Satish Kumar called up and saying that
petitioner alongwith others 10-15 other persons armed with



weapons and fired upon them. The informant once again tried to pacify the matter but co-accused Anshu Mishra hit the informant with an iron rod on his head and others parts of the body. It is alleged that co-accused Aman Mishra and Priyanshu Mishra fired upon informant's brother which hit him in the right leg. It is also alleged that co-accused Anshu Mishra and Priyansha Mishra fired upon Dharmendra Kumar Yadav who came to their help and got injury on his head and thigh.

Learned counsel for the petitioner submits that petitioner is in custody since 28.06.2022. Petitioner bears no criminal antecedent. From the perusal of FIR at best petitioner is mere member of mob. There is no specific overt-act is attributed against the petitioner causing any injury to the prosecution side. There is allegation of firing against co-accused Priyanshu Mishra, Aman Mishra and Anshu Mishra. It is further submitted by the learned counsel for the petitioner that prosecution party and the alleged accused persons are next door neighbour and occurrence is said to have been occurred on a trivial issue as recorded in the F.I.R., hence, there was no intention and motive or either preparation to commit the occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case,



period of custody, keeping in view clean antecedent of petitioner, there is no specific overt-act attributed against the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Ara in connection with Ara Nawada P.S. Case No. 958 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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