

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51675 of 2021

Arising Out of PS. Case No.-408 Year-2020 Thana- KATEYA District- Gopalganj

Rameshwar Mishra Son of Late Harihar Mishra Resident of Village - Ramdas Bagahi, P.S.- Kateya, District - Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Advocate Mr. Vyas Kumar Mishra, Advocate
For the State	:	Mr. Rajendra Nath Jha, APP
For the informant	:	Mr. Sanjay Kumar Pandey No.5, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 31-03-2022 Heard learned counsel for the petitioner and learned counsel for the informant, Mr Sanjay Kumar Pandey No.5.

The petitioner is in judicial custody since 20.3.2021 in connection with Kateya P.S. Case No. 408 of 2020 lodged on 3.12.2020 by the informant, Mr. Pursottam Mishra under sections 341, 323, 325, 307, 379 and 354 of the Indian Penal Code and later on Section 302 read with Section 34 of the Indian Penal Code was added.

As per the FIR, the petitioner and the informant are the agnates and clashed over the issue of ploughing their field which led to assault attributed to number of accused persons. The further allegation is that Atul Mishra, Jaleshwar Mishra and the petitioner Rameshwar Mishra assaulted them with iron rod



which resulted into scalp injury. It has further been alleged that when his sister and brother came to his rescue, they too were assaulted. This led to the institution of FIR.

Learned counsel for the petitioner submits that no specific allegation has been attributed against the petitioner herein. He further submits that Atul Mishra who was one of the three accused attributed to the alleged assault theory has since been released on bail by this Court in Cr. Misc. No. 26742 of 2021 vide order an dated 20.11.2022. He submits that in the aforesaid background, the petitioner herein also deserves bail.

Learned counsel for the informant submits that heinous crime has been committed by the accused persons including the petitioner herein and in the process the present incident has taken place.

Taking into account the fact that one of the co-accused namely Atul Mishra against whom similar allegation was made has since been released on bail, it would be appropriate that this petitioner is also put on the same footing.

Let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection



with Kateya P.S. Case No. 408 of 2020 subject to the following conditions:

(i) the petitioner in no way will try to influence any of the witnesses relating to the case in hand;

(ii) he will cooperate in the trial and ensure his presence on each and every date and failure to do so for two consecutive dates will entail initiation of process of cancellation of his bail bonds;

(iii) the petitioner in no way shall contact family member of the informant till the conclusion of the trial;

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

With the aforesaid observation, his bail application is allowed.

(Rajiv Roy, J)

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