

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61110 of 2021

Arising Out of PS. Case No.-108 Year-2021 Thana- DEHRI TOWN District- Rohtas

BENKETESH MISHRA @ BINAY KUMAR MISHRA S/o Late Hirdyanand
Mishra R/o Mohalla Kali Asthan, Mohalla Rajputan, Dehri - In- Sone, P.S.
Dehri (Town), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Dehri
(Town) P.S. Case No. 108 of 2021 instituted for the offences
under Sections 302 and 120(B) of the Indian Penal Code read
with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 10.02.2021, charge-sheet has been
submitted in the case and has antecedent of two cases as
mentioned in the supplementary affidavit filed on 25.02.2022.

The informant alleges that on 09.02.2021 at 8:15 pm,
his wife (deceased) along with her staff, Pappu Kumar after
closing the medical shop was returning home when an accused



came on foot and shot the deceased from behind on her neck, who died. It is further alleged that his wife was killed by the named accused persons including the petitioner who is owner of a student book shop.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. it would manifest that the entire allegation hinges around suspicion. It is further submitted that the informant is not an eye-witness to the occurrence nor Pappu Kumar disclosed the name of any of the assailant rather he stated that an unknown assailant shot the deceased. Learned counsel submits that the petitioner is also carrying business of book in the same locality where the medicine shop of the deceased was located, as such the petitioner, the deceased and the informant were known to each other, further the petitioner was even known to Pappu Kumar also. Learned counsel submits that it absolutely does not stand to reason that on what basis the informant came to know that the named accused persons, who are all businessmen of the same locality, connived and got his wife killed. Learned counsel further submits that statement of Pappu Kumar was recorded at paragraph '67' of the case diary and he has not made any allegation against the petitioner nor has claimed to identify any



of the accused rather according to witness he had seen one person fleeing after the occurrence whom he could not identify. It is further submitted that since the petitioner, the informant and his wife were doing business in the same locality as such they were known to each other for a very long period. Further, the F.I.R. also does not disclose the reason for the occurrence that as to why the petitioner and other accused persons being businessmen were aggrieved by the informant or his wife leading to the occurrence.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that neither Pappu Kumar has disclosed anything about the petitioner nor he has identified the accused who committed the occurrence, further how come the informant came to know with such precision that who were the assailants/accused who connived for killing his wife. Further the learned counsel for the informant also is not able to meet the submission of the learned counsel for the petitioner that the F.I.R. does not disclose any motive for the occurrence.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and taking into



consideration the submissions made by the learned counsel for the petitioner, 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 18th Additional Session Judge, Rohtas at Sasaram in connection with Dehri (Town) P.S. Case No. 108 of 2021.

(Satyavrat Verma, J)

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