

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9665 of 2021

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/ Mohalla - Karman Tola, Near Rasi Bagan Ara, P.S.- Ara Nawada, District - Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Upadhyay

For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 31-01-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State through video conferencing.

The petitioner apprehends his arrest in connection with Ara Nawada P.S. Case No. 958/2019 registered for the offences punishable under Sections 147/148/149/34/323/324/307/379/504/506 of the Indian Penal Code. Subsequently, Section 302 of the Indian Penal Code was also added.

As per the prosecution case, the deceased and his family members were attacked by the accused persons in which firing took place and assault was also made by other arms and one Dharmendra Kumar, friend of the informant, was killed.

It has been submitted by learned counsel for the



petitioner that the petitioner is innocent and he has been made accused in this case only because his family members are accused in this case. There is no overtact including any allegation of assault against this petitioner against any of the injured or the deceased and, therefore, he submits that the petitioner may be released on anticipatory bail.

Considered the submission of the parties including the State.

Though it is admitted position that there is no overtact assigned to the petitioner, but this is a case under Section 302 in which a person has been killed and other persons have been injured and in the opinion of this Court, this is not a fit case for grant of anticipatory bail especially, after the judgment of the Hon'ble Supreme Court dated 25.01.2022 passed in the case of ***Sunil Kumar Vs. State of Bihar*** (Cr. Appeal. No. 95 of 2022).

The prayer of the petitioner for grant of anticipatory bail is, therefore, rejected.

However, the dismissal of this anticipatory bail application should not come in the way of grant of regular bail to the petitioner considering the fact that there is no overtact assigned against him of assaulting either the injured or the deceased.



With the aforesaid observations and directions, this
application for anticipatory bail is dismissed.

(Sandeep Kumar, J)

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