

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11375 of 2021**

Arising Out of PS. Case No.-66 Year-2018 Thana- SATHI District- West Champaran

CHAMCHAM MISHRA @ DUSHYANT KUMAR MISHRA SON OF
LALU MISHRA R/o village- Dhamaura, P.S.- Sathi, District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarendra Nath Verma, Advocate

For the Opposite Party/s : Mr. APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

7 09-05-2022 Heard Mr. Amrendra Nath Verma, learned Advocate
for the petitioner and the learned APP.

The petitioner seeks bail in anticipation of his arrest in connection with Sathi P.S. Case No. 66 of 2018 dated 20.04.2018 instituted for the offences under Sections 302, 506 and 34 of the Indian Penal Code.

The husband of the informant has been assaulted by many accused persons including the petitioner for his not having acceded to the request for compounding the civil case with the accused persons.

It has been urged on behalf of the petitioner that nothing specific has been alleged against him and that the FIR has been registered after undue delay. Apart from this, it has



been submitted that the deceased was treated at Lucknow and it was not very clear from the investigation papers as to the circumstances under which he could not get treatment in the local hospital or for that matter the exact reason of his death.

This Court had called for the case diary in the matter and had granted provisional bail to the petitioner *vide* order dated 21.12.2021. The case diary has since been received.

The accusation against the petitioner is no doubt general and omnibus but considering the fact that one of the similarly situated accused person has been granted regular bail by a Bench of this Court, this Court is not inclined to continue with the interim protection granted to the petitioner.

The order dated 21.12.2021 granting provisional bail is, hereby, recalled.

Accordingly, the prayer for anticipatory bail is rejected.

Should the petitioner surrender before the court below and seeks bail, his application shall be considered on its own merits, taking into account that there is no specific accusation against him and that similarly situated accused person has been granted regular bail by a Bench of this Court and an order shall be passed in accordance with law without being prejudiced by



the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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