

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66633 of 2021

Arising Out of PS. Case No.-177 Year-2021 Thana- KATEYA District- Gopalganj

ALKESHWAR MISHRA Son of Balkrishna Mishra Resident of Village -
Panankhas, P.S. - Kateya, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Mr. Priyanka Singh, Adv.
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-02-2022 Heard Mr. Yogesh Chandra Verma, learned Sr.

counsel for the petitioner, Mr. Chandra Bhushan Prasad, learned

A.P.P. for the State and learned counsel Mr. Vikash Verma, for

the informant.

The petitioner seeks bail in connection with Kateya
P.S. Case No. 177 of 2021 instituted for the offences under
Sections 386, 387, 302, 120B/34 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 3.09.2021 is a person with clean
antecedent, charge-sheet has been submitted in the case.

Learned Senior counsel for the petitioner submits
that from bare perusal of the allegation as alleged in the First



Information Report, it would manifest that the petitioner is not alleged to be the assailant of the deceased rather it is alleged that he was standing outside the shop and when Munna Mishra came out of the shop and fled with Munna Sah @ Munna Jaiswal, thereafter, this petitioner also followed them from behind on the motorcycle.

Learned Senior counsel for the petitioner submits that the petitioner is a person with clean antecedent and he has been falsely roped in the present case.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposes the bail of the co-accused namely, Harikesh Mishra @ Harkesh Mishra and Tuntun Mishra @ Ajay Kumar Mishra has been rejected by order dated 28.02.2022 passed in Cr.Misc. No. 51925 of 2021 and Cr. Misc. No. 50146 of 2021 respectively.

Learned Sr. counsel for the petitioner submits that their bail has been rejected with liberty to renew their prayer for bail as they were having criminal antecedent but the present petitioner is a person with clean antecedent and that differentiate the case of the petitioner with the other co-accused whose bail application has been rejected.

Considering the fact that the petitioner is in custody



since 03.09.2021, is a person with clean antecedent and charge-sheet has been submitted in the case, 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 Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No. 177 of 2021.

(Satyavrat Verma, J)

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