

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1190 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- EKMA District- Saran

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1. ANKIT MISHRA @ ROBIN Son of Ravindra Kumar Mishra @ Ravindra Mishra @ Ravindra Resident of Village- Chetan Chapra, P.S.- Baniyapur, District- Saran.
 2. Ashish Kumar Mishra Son of Ravindra Kumar Mishra @ Ravindra Mishra @ Ravindra Resident of Village- Chetan Chapra, P.S.- Baniyapur, District- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP
For the Informant	:	Mr. Bitesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 20-12-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State as well as learned counsel for the informant.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Ekma P.S. Case No. 295 of 2021 registered for the offence under Sections 147, 148, 149, 307, 302 and 379 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioners are named in the F.I.R. and are in custody since 29.07.2021.



The allegation against the petitioners is to commit murder of brother of the informant by causing firearms injury, due to previous land dispute arises out of ancestral properties.

Learned counsel appearing on behalf of the petitioners submitted that specific allegation as regard to cause fatal firearm injury is available against co-accused, namely, Aditya Vinayak @ Harshit Mishra whereas, the maximum allegation appears against these petitioners is of non-target firing upon one Anand Mishra and Anubhaw Kumar, causing injury on their shoulder and stomach, respectively. While traveling over the argument, it is also pointed that the circumstances in which the firing was made cannot be said that both petitioners were under intention to cause death of injured. It is also submitted that the injured persons were also equipped with firearms. While concluding the argument, it is submitted that petitioner no.1 is involved in more criminal case, where, he is on bail and petitioner no.2 is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, submitted that the



allegation of firing is available against both of these petitioners, but fairly submitted that allegation as regard to cause fatal firearms injuries is available against co-accused, namely, Aditya Vinayak @ Harshit Mishra.

Considering the facts and circumstances as mentioned above and by taking note of accusation, where, petitioner is in custody since 29.07.2021 coupled with the fact that charge-sheet has already been submitted, let both petitioners, above named, are directed to be released on bail in connection with Ekma P.S. Case No.295 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 1st Class, Saran at Chapra/concerned court, subject to the following conditions:

“(i) That petitioner shall not tamper with the evidence or eye-witnesses of the present case, in any manner, the State shall be at liberty to cancel the bail bonds of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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