

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1498 of 2022

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

DEVENDRA MISHRA S/o Late Raj Kishore Mishra R/o village- Chetan Chapra, P.S.- Baniyapur, District- Saran

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-05-2022 Heard the parties.

Petitioner seeks regular bail in connection with Ekma PS Case No. 295 / 2021 registered for the offence under Sections 147 / 148 / 149 / 307 / 302 / 379 of the IPC and Section 27 of the Arms Act.

As per the prosecution case while the informant along with others were sitting for *panchayati* on *Dalan*, the co-accused along with petitioner arrived there and the co-accused / Aditya Vinayak @ Harshit Mishra fired upon Gajendra Mishra, Ankit Kumar @ Robin fired upon Anand Kumar and Ashish Kumar fired upon Anubhaw Kumar due to which Gajendra Mishra died in hospital. The petitioner was present along with the co-accused persons.

Learned counsel for the petitioner submits that



petitioner has got no criminal antecedent , he has falsely been implicated in this case due to land dispute between the parties and both the parties are co-sharers. Learned counsel next submits that no overt act has been alleged against the petitioner in the first information report and petitioner is in custody since 29-07-2021 and he can only be said to be a member of unlawful assembly.

On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that from perusal of the impugned order it appears that during the course of investigation witnesses have supported the prosecution story and as per CDR the petitioner was found to be present at the place of occurrence.

Regard being had to the submissions made by the parties, taking into consideration the material available on record, the fact that no overt act has been alleged against the petitioner, the petitioner has clean antecedent and he is in custody since 29/07/2021, as such, I am inclined to grant regular bail to the petitioner **after framing of charge**.

Let the petitioner, above named, be released on regular bail **after framing of charge** on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like



amount each to the satisfaction of learned A.C.J.M. 1st , Saran at
Chapra in connection with Ekma PS Case No. 295 / 2021.

(Anil Kumar Sinha, J)

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