

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5522 of 2023

Arising Out of PS. Case No.-442 Year-2022 Thana- PARBATTa District- Khagaria

BIDHAN CHANDRA MISHRA Son of Late Kapildeo Mishra Resident of
Village- Dumariya Dujra, P.S.- Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nishant Kumar, Advocate
For the Opposite Party/s	:	Mr.Dr. Ajeet Kumar,
For the Informant	:	Mr.Awadesh Kr. Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 09-05-2023 Heard learned counsel appearing on behalf of the

petitioner, learned APP appearing on behalf of the State and

learned counsel for the Informant.

The petitioner seeks bail in connection with Parbatta
P. S. Case No. 442 of 2022 registered for the offence under
Sections 341, 323, 325, 307 and 506/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.10.2022.

The allegation against the petitioner is to open
indiscriminate firing upon informant, along with other co-
accused persons/family members, causing fire arm injury in left
arm of the informant, having intention to cause his death, where



admittedly, occurrence is arises out of land dispute.

Learned counsel appearing on behalf of the petitioner submitted that there is no specific allegation regarding indiscriminate firing is available against this petitioner. It is submitted that implication of this petitioner appears false in the background of land dispute, having oblique motive, where several numbers of criminal cases are pending between the parties. It is further submitted that admittedly, injury was caused upon left arm of the informant/injured, whereas as per medical report which was issued by private hospital, it appears that injury shown on his right arm, making allegations contradictory. It is submitted that ballistic report of firearm belongs to this petitioner is available, suggesting that no firing was made from said revolver. It is also submitted that only the wife of the petitioner is available at home who is an elderly lady and, as such, initially criminal antecedents was mentioned as two (2) cases, same is also due to Para-20 of the case diary but petitioner also named in two criminal cases with same informant. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has submitted, as such, there is no chance of tampering with the evidence.



Learned APP duly assisted by learned counsel, Mr. Awdesh Kumar Singh, for the informant, while opposing the prayer of bail submitted that allegation of indiscriminate firing is available against this petitioner.

In view of the facts and circumstances as mentioned above, by taking note of the fact as allegation of firing is not available specific against this petitioner coupled with fact injury report is also appearing contradictory, where petitioner is in custody since 10.10.2022, let the petitioner, above named, is directed to be released on bail in connection with Parbatta P. S. Case No. 442 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Khagaria/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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