

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10897 of 2023

Arising Out of PS. Case No.-153 Year-2022 Thana- RAJNAGAR District- Madhubani

ABHISHEK MISHRA @ RINKU MISHRA Son of Sunil Kumar Mishra R/V-
Domantha Mahadev Mandir, P.S- Pandaul, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
12.06.2022 in connection with Rajnagar P.S. Case No. 153 of
2022, F.I.R. dated 11.06.2022 for the offences punishable under
Sections 341, 323, 307 and 34 of the Indian Penal Code.

According to prosecution case, in brief as per
fardbeyan of the informant Md. Shaukat is that on 10.06.2022 at
4:00 P.M., he was going to his plot at Chakda after drinking tea
as her does work of filling soil into the land of Raju Sahani. In
the meantime, Abhishek Jha (petitioner) and other co-accused
persons boarded on two motorcycles came in front of the
informant and the accused persons including the petitioner, who
had carbine, Sixer, Katta in their hands, made bullet firing upon



him from front side, it hit three bullets on his chest, one bullet behind near his right ear, one bullet on left arm, one bullet on his right waist, and he fell there, then his younger brother Md. Naushad came for his rescue. The accused persons including the petitioner, who made firing, fled away towards Madhubani.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that bare perusal of F.I.R. it appears that there is general and omnibus allegation against all the accused persons including the petitioner that they have fired upon the victim. He further submits that there is no specific allegation of any assault, overt-act and firing is attributed against the petitioner and the injury report suggest that only one fire arm injury was found on the person of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 12.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries nine criminal antecedents other than the present one, in which petitioner is on bail in all the cases as mention in para-3 of the bail petition.



Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.- I, District-Madhubani in connection with Rajnagar P.S. Case No. 153 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of



bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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