

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30553 of 2022

Arising Out of PS. Case No.-459 Year-2021 Thana- ARA NAGAR District- Bhojpur

CHHOTO MISHRA @ CHANDAN MISHRA Son of Jai Prakash Mishra
Resident of Village - Anand Nagar, Police Station- Ara Town, District -
Bhojpur at Ara.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh
For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

13 07-11-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed this application for grant
of regular bail registered for the offences punishable under
Sections 302, 34, 120B of the Indian Penal Code and
Section 27 of the Arms Act.

As per allegation in the FIR, while informant with
his brother and nephew were returning after morning walk
by his motorcycle, in the way, three accused persons,
namely, Chhotu Mishra, Bipul Kumar and Golu Kumar
who were riding on motorcycle started indiscriminate firing
upon Raju Yadav, brother of the informant as a result of



which he succumbed to fire arm injuries. It is further alleged that one day before, four unknown persons had gone tot he house of the informant and threatened them to compromise the land dispute.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to previous enmity. It is further submitted that in the background of existing land dispute, the petitioner has been dragged in the present case. Petitioner is languishing in judicial custody since 6.8.2021.

Learned APP appearing for the State and learned counsel for the informant have opposed the prayer of Bail and submitted that there is specific allegation of opening fire is against the petitioner. Informant is the eye witness of the alleged occurrence. Postmortem report corroborates the prosecution story. During investigation, several witnesses have supported the prosecution story.

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing murder to the informant's brother against the petitioner, I am not inclined to grant bail to the petitioner



and, as such, his application for bail is rejected.

The trial court is directed to expedite and conclude the trial within six months, failing which the petitioner will be at liberty to renew his prayer for bail.

(Sunil Kumar Panwar, J)

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