

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28447 of 2023

In
CRIMINAL MISCELLANEOUS No.71531 of 2022

Arising Out of PS. Case No.-499 Year-2020 Thana- ARA NAGAR District- Bhojpur

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DABLU MISHRA @ SASHIKANT MISHRA S/O SHAMBHU NATH
MISHRA R/O Village- Maulabag, P.S- Ara Nagar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Adv. Mr. Gopal Govind Mishra, Adv.
For the Opposite Party/s	:	Mr. Dr. Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-07-2023 Heard Mr. N.K. Agrawal, learned Senior counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 28.09.2022 in connection with Ara Nagar P.S. Case No.499/2020, dated 14.10.2020, for the offences punishable under Sections 341, 526, 307 of the IPC & Section 27 of the Arms Act.

According to prosecution case, there is allegation against the petitioner that he fired upon the informant due to which the informant caused injury on his left side of hip. It is also alleged that the petitioner snatched Samsung mobile and



cash of Rs.7000/- along with golden chain of Rs.48,000/- from the informant and fled away.

Learned counsel for the petitioner submits that earlier the bail petition of the petitioner was moved in Cr. Misc. No.71531 of 2022 which was dismissed as withdrawn with liberty to file a fresh application vide order dated 05.04.2023. He further submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that no reason for the alleged occurrence has been assigned in the F.I.R. He further submits that from bare perusal of the F.I.R., it appears that the date of occurrence as alleged in the F.I.R. is 13.10.2020 but the present F.I.R. has been instituted on 14.10.2020 after lapse of one day, without explanation of any delay. He further submits that the injury report of the injured person suggest that one exit wound and one entry wound found on the person of injured but not on the vital part of the body of the injured. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 28.09.2022.



Learned counsel for the informant and learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he has fired upon the informant.

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 C.J.M., Bhojpur, Ara in connection with Ara Nagar P.S. Case No.499/2020, 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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