

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47787 of 2023

Arising Out of PS. Case No.-74 Year-2022 Thana- GUTHANI District- Siwan

NIRMAL MISHR @ NIRMAL MISHRA, Son of Paras Mishra, Village-
Chakiya P.S.- Guthani Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Adv. Mr. Kanishk Kaustubh, Adv.
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 26-07-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks regular bail in connection with
Guthani P.S. Case No. 74 of 2022, dated 25.03.2022 registered
for the offences punishable under Sections 147, 148, 149, 323,
324, 307, 302, 504, 506 of the Indian Penal Code and Section 27
of the Arms Act.

3. This is second attempt of the petitioner for the
relief of regular bail after his earlier prayer was rejected by this
Bench vide order dated 22.11.2022 passed in Cr. Misc. No.
39548 of 2022 preferred by this petitioner.

4. The main submissions advanced by learned counsel
Mr. Kanishk Kaustubh appearing for the petitioner are that in



the FIR six accused persons including the petitioner have been named and five have been shown as unknown being involved in the alleged commission of the offences and against the petitioner and co-accused persons namely, Paras Mishra and Arvind Mishra there is similar allegation and any specific role of the petitioner in commission of the alleged occurrence has not been revealed and the allegation concerned to him is general and omnibus and the said co-accused persons namely, Paras Mishra and Arvind Mishra have been granted bail by a co-ordinate Bench of this Court vide order dated 04.03.2023 passed in Cr. Misc. No. 72389 of 2022 and petitioner's case stands on similar footing with the said co-accused persons and upon the petitioner charges have been framed. Further submission is that the petitioner has been languishing in jail since 10.04.2022 having fair and clean antecedent.

5. Learned APP Mr. Ganesh Prasad Singh appearing for the State has opposed the prayer for bail.

6. Heard both the sides. Though, there is a serious allegation against this petitioner, but two similarly situated co-accused persons detailed above are on bail and petitioner, who has fair and clean antecedent, has been languishing in jail since 10.04.2022 and his trial has started, in my view, in the present



circumstances, petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge, if the same has not been framed upon him** on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Guthani P.S. Case No. 74 of 2022.

(Shailendra Singh, J.)

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