

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47296 of 2023**

Arising Out of PS. Case No.-847 Year-2022 Thana- BARHARA District- Bhojpur

Kapil Deo Mishra Son of Late Rajendra Mishra Resident Of Village Ram  
Sahar, Ps Barhara, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bibhakar Tiwary

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      23-08-2023                      Heard the learned counsel for the petitioner and the  
State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Barhara P.S. Case No. 847 of 2022, registered for the offences punishable under Sections 447, 149, 341, 323, 307, 325, 379 and 504/34 of the Indian Penal Code.

3. The prosecution case as per the FIR is that all the accused persons including the petitioner assaulted the informant with lathi, danda and iron rod. It is specifically alleged that the petitioner assaulted the informant on his head with iron rod.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is the co-villager of the informant and in the background of some petty dispute, both



sides have received injuries. It is further submitted that subsequent to the present case, the petitioner's side also filed a case bearing Barhara P.S. Case No. 848 of 2022 against the informant's side on the same day.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated in para 3 of the petition that the petitioner has also been made accused in one other case apart from the present one.

7. However, the learned APP for the State has opposed the prayer for bail.

8. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court, in connection with Barhara P.S. Case No. 847 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:



(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

9. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

Amrendra/-

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