

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48125 of 2023**

Arising Out of PS. Case No.-117 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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UMESH MISHRA S/O LATE RAJENDRA MISHRA R/O Village- Ranipur,
P.S- Sadar, Distt.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar, Adv.
For the Opposite Party/s : Mr.Nityanand, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 02-08-2023 Heard the learned counsel for the

petitioner and the learned A.P.P. for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Sadar P.S. Case No.117 of 2022, registered for offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 and 302 of the Indian Penal Code, inasmuch as the earlier petitions filed by the petitioner, along with one another co-accused was dismissed by this Court vide order dated 06.01.2023, passed in Cr. Misc. No.57934 of 2022.

The allegation is regarding the accused



persons including the petitioner herein having arrived at the house of the informant on 10.03.2022, armed with hockey stick etc. whereafter they had assaulted the informant and his son, namely, Rajeev Mishra, as also his grandson. Specific allegation has been levelled against the petitioner i.e. Umesh Mishra of having assaulted the son of the informant with iron khanti on his head, resulting in him sustaining serious injuries and subsequently, he had died during the course of treatment.

The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 03.06.2022 and there is no possibility of completion of the trial in near future, hence the petitioner be granted the privilege of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail and has submitted that the doctor conducting the post-mortem has found number of ante-mortem injuries on the person of the deceased, hence he has been



murdered brutally, thus, no sympathy should be shown to the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that specific allegation has been levelled against the petitioner regarding him, having assaulted the deceased by iron khanti on his head, which may have resulted in the death of the deceased and moreover, there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail, hence I do not find any merit in the present petition, thus the present petition stands dismissed.

(Mohit Kumar Shah, J)

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