

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51636 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- CHAORI District- Bhojpur

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Banti Mishra @ Makhan Mishra S/O Sunil Mishra @ Uday Mishra (wrongly
Name Of The Father Ginen In The F.I.R. As Uday Mishra) Resident Of
Village- Itahiya, P.S.- Karakat (Godari), District- Rohtas At Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh

For the Opposite Party/s : Mr.Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 06-02-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application
for grant of regular bail in a case registered for the
offences punishable under Sections 147, 148, 149, 448,
302, 379, 342, 504 of the Indian Penal Code.

The prosecution case in nutshell is that
petitioner along with other co-accused persons came at
the house of the informant and started abusing. When
the informant objected them, they assaulted the father
of the informant due to which he succumbed to injuries.



Other co-accused persons also assaulted family members of the informant.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. At best, it can be said that petitioner is only a member of unlawful assembly and the allegation levelled against him is general and omnibus. There is no independent witness to support the case. Moreover, petitioner is languishing in judicial custody since 1.06.2022. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Similarly situated co-accused persons have been granted Bail vide order dated 02.10.2022 and 24.11.2022 passed in Cr. Misc. No. 50188 of 2022 & 53374 of 2022 respectively by the co-ordinate Bench of this Court.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties



and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Chauri P.S. Case No. 42 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. VI, Bhojpur, Ara.

(Sunil Kumar Panwar, J)

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