

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58061 of 2023

Arising Out of PS. Case No.-473 Year-2022 Thana- LAXMIPUR District- Jamui

MANISH MISHRA S/O LATE CHANDRASEKHAR MISHRA R/O
VILLAGE- NOWKADIH, PS. LAXMIPUR, DIST. JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-09-2023 The petitioner is in judicial custody in connection with ST No. 473 of 2022 arising out of Laxmipur P.S. Case No. 473 of 2022 for the offence punishable under Sections 302/34 of the Indian Penal Code and section 27 of the Arms Act lodged on 17.12.2022 by the informant, Sulekha Devi.

As per the prosecution story, the allegation is that on 17.12.2022, when the husband of the informant was playing cards with his friends, the accused persons came and opened fire causing injury and his death. This followed the FIR.

The case of the petitioner is that omnibus allegation has been made against all the accused persons including the petitioner and further though he was immediately arrested on 19.12.2022 (para-12 of the petition), the case has not progressed further.



The last submission is that similar placed co-accused Prince Mishra who was named along with this petitioner has been granted bail by a coordinate bench of this Court in Cr. Misc. No. 16315 of 2023 (Annexure-2 to the petition).

Learned APP opposes the prayer stating that he along with other accused persons caused the death of the husband of the informant.

There has been an unfortunate death of the husband of the informant, the fact remains that omnibus allegation has been made against all the accused persons, the petitioner is in custody since 19.12.2022, do not have criminal antecedent and similar co-accused Prince Mishra has been granted bail, as stated above, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ADJ-5, Jamui, in connection with ST No. 473 of 2022 arising out of Laxmipur P.S. Case No. 473 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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