

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58147 of 2022

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

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1. SAROJ MISHRA S/O UMESH MISHRA Resident of village- Ranipur, P.S.- Sadar, District- Darbhanga.
 2. JAI KISHORE MISHRA S/O LATE RAJENDRA MISHRA Resident of village- Ranipur, P.S.- Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivam

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-01-2023 Heard the learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail in connection with Sadar P.S. Case No. 117 of 2022, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code. Later on, Section 302 of the Indian Penal Code was added.

The allegation is regarding the accused persons including the petitioners herein having arrived at the house of the informant on 10.3.2022, armed with hockey stick etc.



whereafter they had assaulted the informant and his son, namely, Rajiv Mishra, as also his grandson. Specific allegation has been levelled against the co-accused person, namely, 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 petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having a clean antecedent and they are languishing in custody since 03.06.2022. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against the petitioners and the specific allegation of assaulting by iron khanti on the head of the deceased is against the co-accused person, namely, Umesh Mishra, hence, if at all, anyone is responsible for the death of the deceased, it is the said Umesh Mishra and



not the petitioners herein. It is also submitted that the present case arises out of case and counter case.

Per contra, the learned APP for the State and the learned counsel appearing for the informant have vehemently opposed the prayer for bail and have submitted that the impugned order would show that the Doctor, conducting the postmortem, has found number of ante-mortem injuries on the person of the deceased, hence, all the accused persons are having complicity in the matter, thus, they are not entitled to bail.

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 a general and omnibus allegation has been levelled against the petitioners as far as assault upon the deceased is concerned, however, specific allegation has been levelled upon the co-accused person, namely, Umesh Mishra, who is stated to



have assaulted the deceased by iron khanti on his head i.e. the vital part of the body, thus, I deem it fit and proper to admit the petitioners to the privilege of bail.

Accordingly, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga at Laheriasarai in connection with Sadar P.S. Case No. 117 of 2022.

(Mohit Kumar Shah, J)

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