

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62972 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- KINJAR District- Jehanabad

Gautam Mishra @ Bablu Mishra Son of Nand Mishra Resident of Village-
Parara, P.S. Kinjar, In The District of Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
		Mr. Sunil Kumar, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-10-2023 Heard Mr. Sunil Kumar, learned counsel appearing
on behalf of the petitioner and learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Kinjar P.S. Case No. 45 of 2023, registered for the offences
punishable under Sections 341, 323, 324, 448, 354, 506, 307 /
34 of the Indian Penal Code.

3. Allegedly, on 19.04.2023 while the informant was
in his house, in the meantime, the petitioner armed with axe
came there and assaulted his son, due to which he sustained
head injury. It is further alleged that the wife of the petitioner,
namely, Asmita Devi also assaulted the wife of the informant.

4. It is submitted on behalf of the petitioner that both



the petitioner and the informant are full brothers and only on account of some trifle, the occurrence took place and the persons of both the sides entered into a scuffle. He further submits that though the impugned order has taken note of the injury report, but the nature of the injury has not been explained and thus there is no iota of doubt that the same is simple in nature. He next submitted that even as per the FIR, the occurrence took place on 19.04.2023, but the FIR has been instituted on 22.04.2023 and the same has been received in the Court of learned SDJM on 25.04.2023, thus, the deliberation made on behalf of the informant can not be ruled out. He lastly, submits that the petitioner is man of fair antecedent and he undertakes the he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that specific allegation of assault has been levelled against the petitioner.

6. Regard being had to the submissions made on behalf the parties and considering the delay in lodging of the FIR, coupled with the relationship of the petitioner and the informant, apart from, his fair antecedent, let the petitioner, above named, be released on bail, in the event of his arrest or



surrender before the Court below within a period of four weeks from the date of receipt / production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Arwal in connection with Kinjar P.S. Case No. 45 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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