

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70448 of 2023

Arising Out of PS. Case No.-317 Year-2023 Thana- BELHAR District- Banka

1. Krishna Mishra @ Chhotu @ Krishna Kumar Mishra Son Of Bibhash Mishra @ Vibhash Chandra Mishra Resident Of Village - Tari Manjhgaury, P.S. - Belhar, District - Banka
2. Bibhash Mishra @ Vibhash Chandra Mishra Son Of Late Indralal Mishra Resident Of Village - Tari Manjhgaury, P.S. - Belhar, District - Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha, Advocate
For the Informant	:	Mr. Om Prakash Singh, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-11-2023 Heard Mr. Sanjay Kumar Jha, learned counsel for the petitioner, Mr. Om Prakash Singh, learned counsel appearing on behalf of the Informant and Mr. Ganesh Prasad Singh, learned APP for the State.

2. After some arguments, learned counsel for the petitioners seeks permission to withdraw the bail petition with respect to petitioner no. 1, namely Krishna Mishra @ Chhotu @ Krishna Kumar Mishra.

3. Permission is accorded.

4. The application is dismissed as withdrawn with respect to petitioner no. 1, namely Krishna Mishra @ Chhotu @ Krishna Kumar Mishra. .



5. The petitioner no. 2 is apprehending his arrest connection with Belhar P.S. Case No. 317 of 2023, (G.R. No. 2606 of 2023) F.I.R. dated 23.07.2023 registered for the offences punishable under Sections 341, 323, 307, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act.

6. Allegation against the petitioners is that the petitioners fired gun-shots on the informant due to which the informant sustained gun-shot injury on his back.

7. Learned counsel for the petitioner no. 2 submits that the petitioner no. 2 has clean antecedents and he has been falsely implicated in the present case and due to land dispute the present occurrence had taken place and there is case and counter case between the parties and both sides have sustained injured in the present occurrence. He further submits that as per allegation in the F.I.R. that the petitioner no. 1 namely Krishna Mishra @ Chhotu @ Krishna Kumar Mishra had fired upon the informant and there is no specific allegation of any assault or any overt act against the petitioner no. 2 namely Bibhash Mishra @ Vibhash Chandra Mishra rather there is general and omnibus allegation against the petitioner no. 2.

8. Learned counsel appearing on behalf of the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner no. 2 .



9. Considering the facts and circumstances of the case, let the petitioner no. 2, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 317 of 2023 (G.R. No. 2606 of 2023) subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner no. 2 shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner no. 2 tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner no. 2 and in case at any stage, it is found that the petitioner no. 2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. However, the



acceptance of bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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