

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71673 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- PATAHI District- East Champaran

1. SHAMBHU MISHRA SON OF SHASHI BHUSHAN MISHRA R/O VILLAGE- BARA SHANKAR MISHRI TOLA, P.S.- PATAHI, DISTRICT- EAST CHAMPARAN
2. VIJAY MISHRA SON OF JAGDISH MISHRA R/O VILLAGE- BARA SHANKAR MISHRI TOLA, P.S.- PATAHI, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jagannath Singh, Adv. Mr. Md. Ghulam Mustafa, Adv. Mr. Jyoti Joshi, Adv. Mr. Bhargava Pandey, Adv.
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 147, 341, 447, 323, 324, 307, 379 and 504 of the I.P.C.

According to prosecution case, there is allegation against the petitioners of assaulting the informant and his son causing bleeding injury on their head.

Learned counsel for the petitioners submits that the



petitioner no.2 has clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the present case is counter blast of Pakri Dayal P.S. Case No. 297 of 2019 filed by the wife of petitioner no.1 against the informant and his family members. He further submits that the allegation against these petitioners is that they assaulted the informant and his son but the injury report of the informant and his son suggests that the injuries are simple in nature and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 01.09.2022.

The learned counsel for the informant and learned Additional Public Prosecutor for the State vehemently opposed the prayer of bail of the petitioners submitting that the petitioner no.1 carried two criminal antecedent other than the present one but fairly submits that the petitioner no.2 has clean antecedent.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending, in connection with Patahi P.S. Case No. 93/2021, subject to the following conditions:-



1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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