

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10162 of 2024**

Arising Out of PS. Case No.-16 Year-2017 Thana- KATEYA District- Gopalganj

Munna Mishra @ Dilip Kumar Mishra S/o Late Laxmikant Mishra @ Ganga
Mishra R/o Vill - Panan Mahuawa, P.S. - Kateya, Dist. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 15-05-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. Call for a report regarding the criminal antecedents of the petitioner in connection with Kateya P.S. Case No. 16 of 2017 (Session Trial No. 18 of 2023) from the court of learned Additional Sessions Judge-V, Gopalganj.

4. The petitioner has preferred this application for grant of regular bail in connection with Kateya P.S. Case No. 16 of 2017 (Session Trial No. 18 of 2023) dated 26.01.2017 registered for the offences punishable u/ss 307 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

5. As per the prosecution case, the informant happens to be the bodyguard of Anand Mishra. On 25.01.2017, after dropping Anand Mishra at his house, the informant was



going to his house on motorcycle with one Sri Ram Bhagat and reached near Bagahi Kanta, two miscreants who were following them on a motorcycle fired on them and fled away.

6. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has sprung up in the confessional statement of the co-accused person. Nothing has been recovered from the conscious possession of the petitioner. It is further alleged that the petitioner has no concern with the alleged offence. No T.I.P. has been conducted by the prosecution. The petitioner is accused in 36 other criminal cases and he is acquitted in 24 cases (Sl. No. 1 to 24) as stated in para 3 of the bail petition. The petitioner is in custody since 22.09.2022.

7. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the petitioner is a habitual offender.

8. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court



concerned, Gopalganj in connection with Kateya P.S. Case No. 16 of 2017 (Session Trial No. 18 of 2023) with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

9. The application stands allowed.

(Chandra Prakash Singh, J)

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