

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21501 of 2024

Arising Out of PS. Case No.-198 Year-2023 Thana- SURYAPURA District- Rohtas

Ashok Mishra, Son of Sri Prashuram Mishra, Resident of Village-
Madhukarpur, Police Station- Dinara, District- Rohtas (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Tiwari, Advocate

Mr. Saket Gupta, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 04-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.3 of 2024, arising out of Suryapura P.S. Case no. 198 of 2023 registered under sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that Dhama Mishra along with one another came and resorted to firing which hit his daughter-in-law who subsequently died on way to the hospital.

4. Learned counsel for the petitioner submits that the petitioner is not named in the FIR. He was falsely implicated in the case in course of investigation when the person accompanying the assailant Dhama Mishra as stated in the FIR



was stated to be the petitioner herein. Even accepting the allegation for the sake of argument, no over act has been alleged against this petitioner. He is in custody since 24.9.2023 and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR together with the material that has transpired in course of investigation as is evident from the order of the learned trial Court, no over act of firing having been alleged against this petitioner who is in custody for more than 6 months since 24.9.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no.3 of 2024 (arising out of Suryapura P.S. Case no. 198 of 2023) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge Vth, Rohtas at Sasaram.

(Partha Sarthy, J)

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