

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20441 of 2024

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

Krishna Mishra @ Chhotu @ Chhotu S/o Bibhash Chandra Mishra R/o Vill -
Tarimanjhya, P.S. - Belhar, Dist. - Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar Jha, Advocate
For the Informant	:	Mr. Om Prakash Singh, Advocate
For the State	:	Mrs. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2024 Heard Mr. Subodh Kumar Jha, learned counsel for the petitioner, Mr. Om Prakash Singh, learned counsel appearing on behalf of the Informant and Mrs. Nirmala Kumari, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 28.11.2023, in connection with Belhar P.S. Case No. 317 of 2022, 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.

3. Allegation against the petitioner is that he along with other co-accused persons came at the door of the informant and started abusing and when the informant protested, the petitioner and other co-accused persons fired gun-shots on the



informant due to which he sustained gun shot injury on his back.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that in fact due to admitted land dispute, the petitioner has been falsely implicated in the present case and from perusal of the F.I.R. it appears that the informant is not sure who has fired upon him and apart from that co-accused person namely Dinanath Mishra has been granted bail by this Court vide order dated 27.03.2024 passed in Cr. Misc. No. 188 of 2024 and another co-accused person namely Bibhash Mishra @ Vibhash Chandra Mishra has been granted the privilege of anticipatory bail by this Court vide order dated 01.11.2023 passed in Cr. Misc. No. 70448 of 2023, another co-accused person namely Digambar Jha has been granted regular bail by a Coordinate Bench of this Court vide order dated 19.10.2023 passed in Cr. Misc. No. 68303 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 28.11.2023.



5. Learned counsel appearing on behalf of the Informant as well as learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R. it appears that the informant has suggested that the petitioner has fired upon him and apart from that the medical evidence also suggests that the informant received firearm injury.

6. Considering the aforesaid facts that the petitioner having clean antecedent and other co-accused persons have granted the privilege of anticipatory bail or regular bail by this Hon'ble Court or a Coordinate Bench of this Court, let the petitioner, above named, 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 Judicial Magistrate 1st Class, Banka in connection with Belhar P.S. Case No. 317 of 2023, subject to the following conditions :-

(1) Petitioner 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 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 and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. 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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