

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22248 of 2024

Arising Out of PS. Case No.-58 Year-2021 Thana- KANTI District- Muzaffarpur

MITHLESH MISHRA @ MITHILESH MISHRA SON OF LATE
BABULAL MISHRA RESIDENT OF VILLAGE - MADHUKAR CHAPRA,
P.S. - KANTI, DISTRICT - MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh, Adv.

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
S.Tr. No. 903 of 2023, arising out of Kanti P.S. Case No. 58 of
2021 lodged under Sections 341, 323, 307, 379, 506, 504 & 34
of the I.P.C. read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against 5 named and 2 unknown accused persons
including the petitioner. The allegation against the present
petitioner is that he has attacked on the head of the informant's
son, due to which head injury took place.

4. Learned counsel for the petitioner submits that
from the content of F.I.R., it is very much clear that the



petitioner and informant's side are the agnates and due to land dispute, the present scuffling took place. Counsel further submits that the allegation as alleged, is not correct.

5. Counsel further submits that on the slightest possible occasion, the parties are always inclined to file criminal cases against each other. He further submits that petitioner is in custody since 09.01.2024 having clean antecedent.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that as per the F.I.R., the allegation is against the present petitioner to attack on the head of the son of the informant due to which head injury has been caused.

7. Counsel further submits that the specific allegation of firing on the leg of the informant's side is also there in the F.I.R., and therefore, he requests to reject the bail petition of the petitioner.

8. Learned counsel for the State opposes the prayer for bail and submits that it is true that the allegation is there, but it is also true that the allegation of firing is not at the head rather it is on the neck.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above



named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned 11th Addl. Sessions Judge Muzaffarpur in connection with S.Tr. No. 903 of 2023, arising out of Kanti P.S. Case No. 58 of 2021, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

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