

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24526 of 2024

Arising Out of PS. Case No.-151 Year-2018 Thana- GHANSHYAMPUR District- Darbhanga

Gopal Kumar Mishra, age 28 years, male Son of Ram Kumar Mishra,
Resident of Village- Pali, P.S.- Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Ghanshyampur P.S. Case No. 151 of 2018 instituted for the offences punishable under Sections 341,323,324,307,353 and 379/34 of the Indian Penal Code.

3. As per the prosecution case, the accused-petitioner assaulted the informant with sharp cut weapon, due to which he caused injury over his head and fell down from his bike and blood was oozing out. It is further submitted that accused-petitioner took away the bag of the informant containing Rs. 35,000/- as well as officials papers.

4. Learned counsel for the petitioner submits that petitioner is innocent has committed no offence and has falsely



been implication in this case. The entire allegation levelled against the petitioner is false and concocted. All sections are bailable in nature except Section 353 of the Indian Penal Code. Petitioner has got no criminal antecedent as stated in para 3 of the petition.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Sessions Judge, Darbhanga, Camp Court, Benipur dated 28.02.2024 and also on perusal of the chargesheet no. 06 of 2019 dated 27.01.2019, registered an FIR of Ghanshyampur P.S. Case No. 151 of 2018 related to this case, it appears that on the basis of written report of Kamlesh Prasad Yadav, FIR has been lodged under Sections 341, 323, 324, 307, 353, 379/34 of the Indian Penal Code against the present petitioner. From conclusion of the investigation, Investigating Officer has submitted chargesheet under Sections 341, 323, 504 of the Indian Penal Code against the present petitioner and these offences are bailable at the time of cognizance but the learned Magistrate deferred the opinion of the Investigating Officer and took cognizance under Sections 341, 323, 324, 307, 353, 379/34 of the Indian Penal Code as submitted by learned counsel for the petitioner, so considering all these aspects of



the matter, the prayer for bail of the petitioner is allowed.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of his arrest or surrender before the Court below within six weeks from today, the petitioner above named be released on bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Biraul, Darbhanga in connection with Ghanshyampur P.S. Case No. 151 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(Ramesh Chand Malviya, J)

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