

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28754 of 2024**

Arising Out of PS. Case No.-563 Year-2023 Thana- BHORE District- Gopalganj

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Bittu @ Bittul Mishra @ Shailendra Bahadur Mishra S/o Mahanand Mishra  
R/o Village- Dighwa, P.S.- Bhore, Distric- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Suraj Narayan Yadav, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      15-05-2024                      Heard Mr. Suraj Narayan Yadav, learned counsel for  
  
the petitioner and Mr. Jitendra Kumar Singh, learned APP  
  
appearing on behalf of the State.

2. The petitioner is apprehending arrest in connection  
with Bhore P.S. Case No. 563 of 2023 instituted under Sections  
307/34 of the Indian Penal Code and 27 of the Arms Act  
lodged on 14.11.2023 by the informant, Daroga Mishra.

3. As per the prosecution story, the informant alleged  
that due to earlier dispute between the parties, this petitioner  
alongwith others started indiscriminate firing and the allegation  
against this petitioner is that he used rifle to open fire which hit  
the leg of his younger brother. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that on  
the one hand, the informant alleges indiscriminate firing and on



the other hand states that the rifle used by this petitioner hit the leg of the informant's younger brother. He submits that in case of indiscriminate firing, it is surprising that only one bullet hit up to the leg of the younger brother of the informant.

5. Learned counsel for the petitioner submits that the present FIR (Bhore P.S. Case No. 563/2023 lodged on 14.11.2023) preceded another FIR vide Bhore P.S. Case No. 559/2023 on 13.11.2023 in which one Markandey Mishra lodged the FIR and Daroga Mishra (informant) was one of the accused and he had alleged that due to indiscriminate firing, he got injury on his left leg after which, he was taken to referral Hospital. Learned counsel submits that from the aforesaid facts, it is clear that Daroga Mishra who was made accused in Bhore P.S. Case No. 559 of 2023, to save his skin, lodged another FIR implicating this petitioner only because he has criminal antecedent. Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 10,000/- to the Bar Association, Civil Court, Gopalganj to be used exclusively for the purchase of journals.

5. Learned APP opposes the prayer stating that he has criminal antecedent.

6. Though, the petitioner has criminal antecedent, the



fact remains that for the same set of occurrence, two different FIRs have been lodged. In earlier FIR, the present informant is an accused and when there are two versions, the petitioner is entitled for the relief.

7. In that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 10,000/- to the Bar Association, Civil Court, Gopalganj.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Bhore P.S. Case No. 563 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Gopalganj subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

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