

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31190 of 2024

Arising Out of PS. Case No.-559 Year-2023 Thana- BHORE District- Gopalganj

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

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aadesh Raj Singh, Adv.

For the Opposite Party/s : Mrs. Sharda Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Bhore P.S. Case No. 559 of 2023 dated
13.11.2023 registered for the offence/s punishable u/s 307/34 of
the Indian Penal Code and 27 of the Arms Act.

3. As per the prosecution case, the petitioner and the
co-accused persons along with 10-12 unknown miscreants
holding rifle and pistol are alleged to have come and started
firing indiscriminately, meanwhile, the petitioner armed with
rifle fired which hit the leg of Markandey Mishra.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in



this case. Nothing has been recovered from the conscious possession of the petitioner. The injured sustained fire arm injury on the non-vital part of the body and the nature of injury is not mentioned in the impugned order dated 20.03.2021. It is further submitted that a compromised petition has been filed on behalf of the informant who was present before the court below and supported the factum of compromise petition. The petitioner has six criminal antecedents which are not related to similar nature of offence and he is on bail in all cases as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Gopalganj in connection with Bhore P.S. Case No. 559 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(i). The petitioner is directed to remain physically



present before the learned Court below on each and every date,
failing which on two consecutive dates without reasonable
cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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