

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41221 of 2024**

Arising Out of PS. Case No.-35 Year-2021 Thana- ARA NAGAR District- Bhojpur

Chhotu Mishra @ Chandan Mishra Son of Jai Prakash Mishra Resident of
Mohalla- Anandnagar, P.S- Ara Nagar, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 18-09-2024 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Ara
Nagar P.S. Case No. 35 of 2021 registered for the offences
under Section 304/34 of the IPC and Section 27 of the Arms
Act.

3. The petitioner is not named in the F.I.R. and is
in custody since 08.11.2023.

4. The allegation against the petitioner is to cause



death of his mother, who is the sister of the informant of this case, during fire exchange, which took place at his house with police.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated falsely with the present case as for the same set of occurrence two different cases were lodged, first one by the sister of petitioner namely Chanda Devi, which was registered as Complaint Case No. 95 C of 2021, where cognizance was taken against police personnels, who alleged to cause death of mother of petitioner and second case was registered as Ara Town P.S. Case No. 34 of 2021 by one of the Sub-Inspector against petitioner alleging that petitioner caused death of his mother during the exchange of fire. It is submitted that in view of allegation and counter allegation the involvement of petitioner *qua* occurrence appears doubtful. It is also submitted that in-fact the mother of petitioner died out of firing of police personnels, who came to the house of petitioner to arrest him, where both sides opened fire on each other. It is submitted that one of the



basis for false implication is suspicion as petitioner found involved in eleven more criminal cases, where he is on bail. While concluding the argument it is submitted that in this matter till now only charge was framed by learned trial court and therefore, trial of this case is not likely to conclude in the near future.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of aforesaid facts and circumstances as mentioned above and by taking note of fact as regarding same set of occurrence different criminal cases were lodged having allegation and counter allegation *qua* death of the sister of the informant, coupled with the fact as petitioner is in custody since 08.11.2023, where investigation of this case is already completed, accordingly, petitioner, above named, is directed to be released on bail in connection with Ara Nagar P.S. Case No. 35 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara/concerned court, subject to



the conditions as mentioned under Section 437(3) of the
Cr.P.C./Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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