

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40017 of 2024

Arising Out of PS. Case No.-43 Year-2024 Thana- JIRADEI District- Siwan

Chandraprakash Mishra @ Prince S/o Shashi Mishra @ Shashibhushan Mishra, Resident of Village-Gangauli, P.S.-Jiradei, District-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Pandey, Advocate
For the Informant	:	Mr.Bijay Prakash Singh, Advocate
For the Opposite Party/s	:	Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-09-2024 Heard learned counsel appearing on behalf of the petitioner, learned counsel for the informant and the learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with Jiradei P.S.Case No.43 of 2024, registered for the offences punishable under Sections 307, 120B and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, the specific allegation against the petitioner is that he had fired upon the son of the informant, namely, Birendra Mishra on his neck with an intention to kill him.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has not fired, as well as,



the allegation levelled against the petitioner is not sustainable in view of the fact that no injury has been found on the neck of the son of the informant, namely, Birendra Mishra, as would appear from the opinion of the Doctor. The petitioner has been dragged in the present case due to ongoing family dispute between the parties.

5. Mr. Bijay Prakash Singh, learned counsel has tendered his appearance on behalf of the informant and he has submitted that the petitioner along with the other co-accused persons had tried to kill the entire family members of the informant, however, he admits that the parties are in inimical term since the year, 2014 but two criminal cases have been disposed of by the concerned learned district court.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

7. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR and the case diary, I find that specific allegation against the petitioner is that he was one of the members of the mob while the alleged incident took place, in which he has allegedly fired upon the son of the informant but as per the opinion of the Doctor, no injury was found on the neck of the son of the



informant, namely, Birendra Mishra, as such the petitioner has made out *prima facie* a case to be released on pre-arrest bail, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned district court within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Siwan/concerned court in connection with Jiradei P.S.Case No.43 of 2024, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

8. The learned district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

chn/-

U			
---	--	--	--

