

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54377 of 2024

Arising Out of PS. Case No.-882 Year-2023 Thana- NAUBATPUR District- Patna

Manoj Mishra S/o Late Raj Kishore Mishra R/o Village- Gadaipur, P.S.-
Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajanan Mishra

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-09-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Naubatpur P.S. Case No. 882 of 2023, registered for the offences punishable under Sections 341, 323, 325, 307, 504, 506/34 of the Indian Penal Code.

3. Allegedly on 24.12.2023 the accused persons on account of some dispute started abusing the informant and when the same was objected the petitioner along with his wife assaulted the informant by means of *lathi* due to which the informant sustained fracture injury in her right hand. In the meantime, when the informant's husband came to her rescue the petitioner gave axe blow on the husband of the informant due to



which he sustained grievous injury.

4. Learned Advocate for the petitioner contended that both the parties are cousin brother and cousin sister-in-law. However, on account of family feud they entered into a free fight due to which unfortunately some injuries have sustained to the informant and her husband. It is further contended that the petitioner is not a criminal and there is no repetition of axe blow. Moreover, the alleged occurrence took place in Gadaipur, Naubatpur but the informant and her husband got his treatment done in the NSMCH, Bihta, the injury report is said to be a manufactured one. It is next contended that the petitioner is a man of fair antecedent and now he is in custody for over a period of six months and he undertakes that he will fully cooperate in the proceeding of the court and would not indulge in such type of crime.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that on account of axe blow attributed to the petitioner, the husband of the informant sustained grievous injury.

6. Regard being had to the submissions made on behalf of the parties and considering the genesis of the crime and the relationship between the parties, coupled with the fair



antecedent and the period of custody, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-VI, Danapur, Patna in connection with Naubatpur P.S. Case No. 882 of 2023, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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