

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65233 of 2024

Arising Out of PS. Case No.-85 Year-2024 Thana- CHAND District- Kaimur (Bhabua)

1. Anil Mishra S/O Lalan Mishra Resident of Village- Nibi, P.S- Chand ,District -Kaimur at Bhabua
2. Lallan Mishra S/O Late Dalsingar Mishra Resident of Village- Nibi, P.S- Chand ,District -Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Kant, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-10-2024 Heard Mr. Shashi Kant, learned counsel for the petitioners and Mr. Rajendra Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chand P.S. Case No. 85 of 2024 F.I.R. dated 18.05.2024 for the offences punishable under Sections 341, 307, 504, 506 and 34 of Indian Penal Code and 27 of the Arms Act.

3. According to prosecution case, firing was done from both sides and due to free firing one of the persons from petitioner's side sustained gun-shot injury and died in the course of treatment. Allegation is upon both the petitioners in respect of free firing and causing gunshot injury on the person



of informant Munan Mishra. There is multiple penetration wound with invented margin around them involving bilateral upper and right lower limb.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to admitted land dispute between the parties and both the parties are agnates and one Title Suit No. 1063 of 2023 is pending before the Sub-Judge-II, Bhabhua for the land in question. Although there is specific allegation against the petitioners that they have fired upon the informant but from bare perusal of the injury report of the informant which suggests that the injury is simple in nature and there is case and counter case and petitioners' side has also received injury and one person has died.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent, there is case and counter case and injury report upon the injured person/informant suggests that the injury is simple in nature, let the petitioners, above named, in the event of arrest or



surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Kaimur at Bhabhua in connection with Chand P.S. Case No. 85 of 2024 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bonds of the petitioners. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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