

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67227 of 2024

Arising Out of PS. Case No.-117 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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Umesh Mishra son of Late Rajendra Mishra Resident of Village -Ranipur,
P.S.- Sadar, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y. C. Verma, Sr. Adv. Mr. Ugranath Mallik, Adv.
For the State	:	Mr. Choubey Jawahar, APP.
For the informant	:	Mr. Chandra Mohan Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-11-2024 The present petition is by way of third attempt at the behest of the petitioner for grant of regular bail in connection with Darbhanga Sadar P.S. Case No.117 of 2022, registered for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 and 302 of the Indian Penal Code inasmuch as the earlier petitions filed by the petitioner for grant of regular bail, have all stood dismissed.

2. The allegation is regarding the accused persons including the petitioner herein having arrived at the house of the informant on 10.03.2022, armed with hockey stick etc. whereafter they had assaulted the informant and his son, namely, Rajeev Mishra, as also his grandson. Specific allegation has been levelled against the petitioner i.e. Umesh Mishra of



having assaulted the son of the informant with iron *khanti* on his head, resulting in him sustaining serious injuries and subsequently, he had died during the course of treatment.

3. The learned senior counsel for the petitioner submits that the petitioner is languishing in custody since 03.06.2022 and charges were framed as far back as on 02.08.2023, however only two witnesses have been examined till date, hence there is no possibility of completion of the trial in near future, thus the petitioner be granted the privilege of bail.

4. *Per contra*, the learned A.P.P. for the State as also the learned counsel for the informant have vehemently opposed the prayer for bail and has submitted that the doctor conducting the post-mortem has found number of ante-mortem injuries on the person of the deceased, hence he has been murdered brutally, thus, no sympathy should be shown to the petitioner

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned senior counsel for the petitioner and taking into account the materials available on record, this Court finds that specific allegation has been levelled against the petitioner regarding him, having



assaulted the deceased by iron *khanti* on his head, which may have resulted in the death of the deceased and moreover, there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail, hence I do not find any merit in the present petition, thus the present petition stands dismissed

(Mohit Kumar Shah, J)

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