

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68861 of 2024

Arising Out of PS. Case No.-158 Year-2024 Thana- MAIRWAN District- Siwan

Devendra Kumar Mishra @ Devendra Mishra, Son of Late Lal Bihari Mishra
Resident of Village - Bhantapokhar, P.S. - Muffasil, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul
		Mr. Rakesh Kumar
For the Opposite Party/s	:	Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-12-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Mairwa P.S. Case No. 158 of 2024 registered for the offences
punishable under Sections 147, 341, 342, 307, 504 and 506 of
the Indian Penal Code and Section 27 of Arms Act.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of two cases and is in custody since
29-6-2024 and the informant alleges that on account of election
dispute, he had gone for a Panchayati at Jiradei where petitioner,
Sujit and Golden Kumar Singh started abusing him and
threatened that as to why he did not support their candidate in
the election. Further, after the Panchayati was over, the



aforesaid three accused persons left the Panchayati before the informant and when the informant proceeded towards his home and reached near Bangra village when he was intercepted by named accused persons including the petitioner along with 10 unknown accused and thereafter, Lucky Tiwari made a video call to Tribhuban Tiwari, who gave order to kill the informant on which Lucky Tiwari fired on him causing injury on back side of the head and thereafter Mukesh and Vikash also fired but missed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of allegation as alleged in the FIR, it would manifest that there is specific allegation of order giver is against Tribhuban Tiwari and Lucky Tiwari and Lucky Tiwari is alleged to have fired causing fire-arm injury, thereafter Mukesh and Vikash also fired, but then, missed. It is submitted that as far as this petitioner is concerned, no overt act has been alleged against him. It is next submitted that petitioner is in custody since 29.06.2024, charge-sheet has been submitted, as such, no useful purpose would be served by keeping the petitioner in jail.

5. Learned A.P.P. for the State opposes the prayer for



bail.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Siwan in connection with Mairwa P. S. Case No.158 of 2024.

7. The application stands allowed.

(Satyavrat Verma, J)

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