

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10354 of 2024

Arising Out of PS. Case No.-47 Year-2023 Thana- MANJHAGARH District- Gopalganj

Dhananjay Mishra, aged about 52 years, Sex-male, S/O Late Lalan Mishra
resident of Village- Tarwa, Ps. Manjhagarh, Dist. Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogendra Tiwari, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Manjhagarh P.S. Case No.47 of 2023 registered for an offence
punishable under Sections 307, 385, 387 and 506/34 of the
Indian Penal Code.

3. As per allegation in the FIR, five miscreants
boarded on two motorcycles came and entered the shop of the
informant and fired on the informant which hit his brother,
namely, Gauri Shankar. The reason behind the said occurrence is
stated to be demand of ransom.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case merely on the



basis of suspicion. He next submits that there is no specific allegation of firing against any person. Petitioner is in custody since 25.04.2023.

5. Learned APP for the State opposes the prayer for regular bail of the petitioner.

6. On perusal of the first information report as well as impugned order dated 03.11.2023, it appears that the name of the petitioner surfaced in the FIR at the instance of other co-accused and no specific allegation of overt-act assigned in the FIR and there is no recovery from the possession of the petitioner. Similarly situated co-accused person has already been granted regular bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No.43463 of 2023 vide order dated 27.07.2023, considering which, I am inclined to grant bail to the petitioner. Accordingly, let the above named petitioner be released on bail ***after framing of the charge*** on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Gopalganj in connection with Manjhagarh P.S. Case No. 47 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to the law within a period of fifteen days from the date of receipt of a copy of this



order. However, it is made clear that *if the charge-sheet has not been submitted*, then the above named petitioner shall be released on bail on above conditions and the petitioner shall be present physically on each and every date before the trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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