

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.188 of 2024

Arising Out of PS. Case No.-317 Year-2023 Thana- BELHAR District- Banka

Dinanath Mishra son of Vibhash Chandra Mishra, resident of Village-
Tarimanjhya, P.O. and P.S.- Belhar, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-03-2024 Heard Mr. Pranav Kumar Jha, the learned counsel

for the petitioner, the learned counsel for the informant and Mr.

Shailendra Kumar, the learned Additional Public Prosecutor for

the State.

2. Petitioner seeks regular bail who is in custody since

11.09.2023 in connection with Belhar P.S. Case No. 317 of

2023, FIR dated 23.07.2023, registered for the offences

punishable under Sections 341, 323, 307, 504 and 506 read with

Section 34 of the Indian Penal Code and under Section 27 of the

Arms Act.

3. According to the prosecution case, the co-accused

persons used to abuse and do *maarpit* with the family members

of the informant and when the informant opposed the same, the

co-accused persons abused the informant and with a country-



made pistol fired three shots with an intention to kill, and the third shot came out touching his body due to which he got injured. It is further alleged that one Digambar Jha assaulted the sister of the informant by means of *tengari* on her head causing head injury.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to petty dispute between the parties. He further submits that bare perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner and the petitioner and informant are agnates. He further submits that co-accused persons namely, Digambar Jha has been granted bail by a co-ordinate Bench of this Court vide order dated 19.10.2023 passed in Cr. Misc. No. 68303 of 2023 and Bibhash Mishra @ Vibhash Chandra Mishra has been granted anticipatory bail by this Court vide order dated 01.11.2023 passed in Cr. Misc. No. 70448 of 2023. He lastly submits that police has submitted charge-sheet and the petitioner is in custody since 11.09.2023.

5. The learned counsel for the informant as well the learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and



submits that upon perusal of the FIR, it appears that the petitioner has also fired upon the informant and he is named in the FIR.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent, there is no specific allegation of assault or overt act attributed against him and various co-accused persons have been granted bail, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Banka, in connection with **Belhar P.S. Case No. 317 of 2023**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii). If the petitioner tampers 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 trial Court 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 trial Court shall take step for cancellation of bail bond of the petitioner. 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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