

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27993 of 2025

Arising Out of PS. Case No.-79 Year-2024 Thana- KURSAILA District- Katihar

Shishir Kumar Mishra @ Shishu Mishra, S/o Sri Arvind Mishra @ Arvind Kumar Mishra, resident of Village-Katariya Ward No.-2, P.S.- Kursela Dist-Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate
For the State : Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 27-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Kursela P.S. Case No.79 of 2024 registered for the offences punishable under Sections 504 and 302 of the Indian Penal Code (in short ‘IPC’).

3. The accused/petitioner is named in the FIR and is in custody since 30.04.2024.

4. Allegation against the petitioner is to commit murder of husband of the informant while he was sitting at the door of one Pratap Kumar Jha after inserting sharp iron *khanti* in stomach of the deceased.



5. Mr. Ajay Kumar Thakur, learned counsel appearing for the petitioner submitted that the motive behind the occurrence not appears available out of statement of informant, who claimed herself to be eye-witness of the occurrence. It is submitted that the parties are agnates and there is no any apparent reason that the petitioner being cousin may commit such heinous offence. While concluding argument, it is pointed out that despite of custody of more than one year even charge could not framed in this case and, therefore, the trial is not likely to conclude in near future. It is further pointed out that petitioner found involved in one more criminal case, where he is on bail.

6. Learned APP while opposing the prayer of bail submitted that the informant is the eye-witness of the occurrence and specific allegation to insert sharp *khanti* into stomach of the deceased is available against this petitioner. It is also submitted that the injury as alleged to be caused by this petitioner is in full corroboration with postmortem report.

7. Considering the aforesaid factual submissions and by taking note of fact as allegation to cause death of



husband of informant is specifically available against this petitioner, as discussed aforesaid, accordingly, the prayer for bail of petitioner stands rejected herewith, for the present.

8. As the petitioner remains in custody since 30.04.2024, learned trial court is directed to conclude the trial preferably within nine months from the date of receiving of a copy of this order, failing which the petitioner may renew his prayer for bail, if so advised.

(Chandra Shekhar Jha, J.)

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