

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31351 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- KAMTAUL District- Darbhanga

Abhiram Mishra @ Gaglu Mishra S/O Tej Narayan Mishra R/O Village-
Kahariya, P.S- Kamtaul, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the State	:	Mr. Kumar Ranjit Ranjan, APP
For the Informant	:	Mr. Ansul, Sr. Advocate Mr. Aditya Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 02-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Kamtaul P.S. Case No. 02 of 2025, registered on 01.01.2025, for the alleged offences under Sections 126(2), 115(2), 118(1), 109, 103, 329(4), 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, while the informant and his family members were resting in their house, petitioner and other co-accused persons entered into their house and assaulted them. The allegation against the petitioner is that he caught hold of the mother of the informant and co-accused, Mira Devi,



stabbed her. In the assault of petitioner and other co-accused persons, the informant side received a number of injuries. The mother of the informant succumbed to her injuries during treatment.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged in the manner has taken place. During investigation, it has come on record that the petitioner and the informant side are next door neighbours and some scuffle took place between both sides outside their houses. The CCTV footage was examined during investigation and from the footage of CCTV, it is evident that the petitioner never caught hold of the mother of the informant rather the petitioner was put down by the informant and one Nilambar Mishra. Learned counsel further submits that for the same occurrence, the mother of this petitioner, namely Mira Devi, has sent a petition to the learned CJM stating the true facts and how they were assaulted by the informant side. The other victims have not received any serious injuries. The petitioner is in custody since 02.01.2025 and charge-sheet has been submitted. The petitioner is having antecedent of one case in which cognizance is yet to be taken.

05. Learned APP for the State as well as learned



senior counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned senior counsel for the informant submits that all the witnesses who were also victims of assault made by the petitioner and other co-accused persons have stated about the petitioner catching hold of the mother of the petitioner and co-accused given knife blows, causing death of the mother of the informant.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga/court concerned in connection with Kamtaul P.S. Case No. 02 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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