

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33342 of 2025

Arising Out of PS. Case No.-288 Year-2024 Thana- BAHERA District- Darbhanga

Jata Shankar Mishra son of Late Govind Mishra Resident of Village-
Mahinam, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP
For the Informant : Mr. Ashok Kumar Prasad, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 11-07-2025 learned counsel for the petitioner and learned APP for

the State as also learned counsel for the Informant. Perused the

case diary.

2. The petitioner seeks bail in connection with Bahera
P.S. Case No. 288 of 2024, instituted for the offences punishable
under Sections 126(2), 115(2), 118(1), 352, 351(2), 109, 329(4),
303(2) and 191(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that, the petitioner
along with other co-accused persons entered the house of the
informant with deadly weapons, assaulted him and his family
members due to which they sustained injury.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case due to dirty village politics. There is a case and counter case between the parties. Both the parties are Gotiya and reside in the same courtyard and, due to land dispute and previous enmity between them, the present occurrence has taken place. Learned counsel for the petitioner also submits that there is delay of two days in lodging the FIR. The petitioner and informant having common ancestor belong to the same family. It is further submitted that the allegation levelled against the petitioner is of assaulting Jay Prakash Mishra with sword on chest and the injury of the injured is reported to be simple in nature. The petitioner is in custody since 05.03.2025 and has got no criminal antecedent. He further submits that the co-accused Sudarshan Mishra has already been granted bail by this Court vide order dated 20.01.2025 passed in Cr. Misc. No. 577 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that there is direct allegation against the petitioner of assaulting Jay Prakash Mishra with sword upon his chest.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also there being direct allegation of assault against the petitioner by means



of sword, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of three months from today. If the trial is not concluded within the period of three months as stated above, the petitioner will be at liberty to renew his prayer before the court below which will be disposed of in accordance with law.

(Rudra Prakash Mishra, J)

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