

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52419 of 2025

Arising Out of PS. Case No.-85 Year-2025 Thana- BELAGANJ District- Gaya

1. Kamta Mishra S/O Late Shyam Baran Mishra Resident of Village- Chulihara, P.S.- Belaganj, Dist.- Gaya
2. Jai Ram Mishra S/O Late Shyam Baran Mishra Resident of Village- Chulihara, P.S.- Belaganj, Dist.- Gaya
3. Sudhir Mishra S/O Kamta Mishra Resident of Village- Chulihara, P.S.- Belaganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Adv.
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Saurabh Raj, Adv.
		Mr. Raushan Kumar, Adv.
		Mr. Ashok Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 12-08-2025 Heard learned counsel for the petitioners, learned
A.P.P for the State and learned counsel for the informant.

2. The petitioners seek bail in connection with Belaganj
P.S. Case No. 85 of 2025 dated 06.02.2025 registered for the
offence punishable under Sections 191(3), 190 and 103(1) of the
Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that on the date of
occurrence all the accused persons including the petitioners
assaulted the informant and his members with *lathi*, *danda* and
also fired upon them due to which informant's uncle has died.



4. Learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that there is specific allegation against petitioner no. 2, Jairam Mishra, co-accused Chanchal Mishra, Rajaram Mishra and Rahul Mishra that they fired on the chest of the informant's uncle due to which he fell down on the ground. It is submitted that the informant's uncle was taken to hospital but in the way he succumbed to injuries. It is submitted that the allegation against the petitioners are not supported by any cogent material, especially, the post-mortem report. In post-mortem report, the doctor has opined that the injuries were caused by pointed sharp long metallic weapon. It is further submitted that there is no whisper about any firearm injury in the post-mortem report, which completely falsify the case of the prosecution. Further, it is submitted that there is case and counter case between both the sides. The petitioner nos. 1 & 3 are in custody since 06.02.2025 and petitioner no. 2 is in custody since 01.04.2025, petitioner no. 1 has one criminal case against him and petitioner no. 2 has two criminal cases against him, whereas, petitioner no. 3 has no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes the prayer for bail



of the petitioners.

6. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail of the petitioners and submitted that the accused persons intentionally assaulted and fired on the deceased. It is further submitted that there is specific allegation against the petitioners for causing the death of informant’s uncle.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gaya in connection with Belaganj P.S. Case No. 85 of 2025.

(Khatim Reza, J)

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