

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81756 of 2024

Arising Out of PS. Case No.-169 Year-2022 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Surendra Mishra @ Guddu Mishra @ Guddu @ Goldi Son of Late Ram
Ratan Mishra village- Aakopur, Ps- Cheriya Bariyapur, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-05-2025 Heard Mr. Madhav Kumar, learned counsel for the

petitioner and Mr. Upendra Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
13.06.2024 in connection with Samastipur Muffasil P.S. Case
No. 169 of 2022, F.I.R. dated 13.04.2022 for the offences
punishable under Sections 302/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along
with other accused persons have brutally assaulted the
informant's husband due to some land dispute which resulted
into his death.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the
petitioner has not committed any offences as alleged in the
F.I.R. He further submits that it also transpire from the F.I.R that



due to admitted land dispute between the parties the petitioner and other accused persons have falsely been implicated in the present case by the informant. He further submits that as per allegation in the F.I.R, this petitioner has assaulted the husband of the informant by means of lathi on his head but the postmortem report does not support the allegation as alleged in the F.I.R and the injury was not found on the deceased's head. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Heera Singh against whom there is similar allegation has been granted bail by this Court vide order dated 24.04.2023 passed in Cr. Misc. No. 64311 of 2022. The petitioner is in custody since 13.06.2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, allegation as alleged in the F.I.R is not supported by the postmortem report and the similarly situated person has been granted bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



Additional Chief Judicial Magistrate II, Samastipur in connection with Samastipur Muffasil P.S. Case No. 169 of 2022, 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 court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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 court below 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 court below 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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