

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81959 of 2024

Arising Out of PS. Case No.-534 Year-2024 Thana- MAHUA District- Vaishali

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1. Fudan Mishra S/o- Tarakanath Mishra Resident of village-Gaddopur gahuspur Chowk PS- Mahua District-Vaishali
 2. Chhotu Kumar S/o- Tarakanath Mishra Resident of village-Gaddopur gahuspur Chowk PS- Mahua District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ayush Kumar, Advocate
For the State	:	Mr. Akshay Lal Pandit, A.P.P.
For the Informant	:	Mr. Sanjay Kumar Jha, Advocate
		Mr. Suman Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2025 Heard Learned Counsel for the petitioners, Learned A.P.P. for the State and Learned Counsel for the informant.

2. The present Criminal Miscellaneous Application has been filed under Sections 483 & 484 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of regular bail to the petitioners in connection with Mahua P.S. Case No. 534 of 2024 lodged on 01.07.2024, for the offences punishable under Section 307, 120(B), 34 of the Indian Penal Code read with section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against four named accused persons including the present petitioners



and one unknown person against whom there is allegation that they have attacked the informant and his children by gun due to which they were badly injured and the accused persons fled away from the spot.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that criminal antecedent of the petitioners are clean and they are in custody since 02.07.2024. Counsel further submits that informant himself is the main accused in Mahua P.S. Case No. 99 of 2016 which is lodged by S.H.O. Mushari against the informant as entire family of the informant assaulted the police team when they came to arrest the cousin brother of the informant in Mushari P.S. Case No.209 of 2015. Counsel submits that informant always put pressure on the petitioners' father not to adduce evidence and when father of the petitioners refused, then his both sons have been falsely implicated in this case. Counsel submits that it is a case of section 307 of the IPC and petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that bail application of similarly situated person has been rejected by this Court *vide*



order dated 03.10.2024 passed in Cr. Misc. No. 68974 of 2024.

6. Upon the specific query of the Court from the counsel for petitioners that whether charge has been framed in this case or not, counsel submits that as per his knowledge, charge-sheet has been submitted, but charge has not been framed.

7. In the present facts and circumstances of this case, let the petitioners above named be granted bail after framing of charge, if not framed, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua P.S. Case No. 534 of 2024, subject to the conditions as laid down U/s 480(3) of the BNSS, 2023.

(Dr. Anshuman, J)

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