

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37916 of 2015

Arising Out of PS.Case No. -63 Year- 2015 Thana -NAWAKOTHI District- BEGUSARAI

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1. Pappu Mishra Son of Late Daya Nand Mishra
 2. Mithila Nand Mishra Son of Late Mahesh Mishra
 3. Jhuman @ Jhuman Mishra @ Chandan Kumar Mishra Son of Yogendra Mishra
 4. Phuchchan Mishra Son of Yogendra Mishra
 5. Ranjeet Mishra Son of Yogendra Mishra
 6. Ajay Mishra Son of Late Sachida Nand Mishra
 7. Vikash Mishra @ Bikash Kumar Son of Ajay Mishra
 8. Krishna Kant Mishra Son of Late Ramchandra Mishra
 9. Dharma Nand Mishra Son of Late Mahesh Mishra
 10. Bittu Mishra Son of Krishna Kant Mishra All residents of village - Maheshwara, Puwari Tola, P.S. Naokothi, District - Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam
For the Opposite Party/s : Mr. Arun Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-09-2015 Heard learned counsels for the petitioners, informant and the State.

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 324 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that the informant was ploughing his land, in the meantime, co-accused Bhogendra Mishra and Dharmendra Mishra armed with pistol, co-accused Pankan Mishra armed with Garasa and co-accused Upendra Mishra armed with iron rod came and started abusing



the informant and claimed the land of the informant to have been purchased by them, whereupon co-accused Bhogendra Mishra fired from his pistol but it did not hit the informant. On alarm being raised Dharmendra Mishra also fired which hit on the right palm of the informant. When the brothers of the informant Sukesh Kumar and Mani Singh came to rescue then they were assaulted with Garasa causing injuries on the arm of Sukesh Kumar, thereafter co-accused Upendra Mishra caused injury with iron rod to Sukesh Kumar. It is further alleged that co-accused Ramchandra Mishra assaulted with Garasa to the brother of informant Mani Singh. It is also alleged that altogether 21 accused persons made assault to the informant's side.

It is submitted by learned counsel for the petitioners that accusation of assault is specific against Bhogendra Mishra, Dharmendra Mishra, Upendra Mishra, Ramchandra Mishra but the accusation is omnibus and general against the petitioners. The injuries of all the three injured have been found to be simple in nature. There is counter version of the occurrence and Title Suit No. 154 of 2015 is pending between the parties.

Considering the accusation being not specific against the petitioners, there being counter version of the occurrence and title suit being pending between the parties, let the petitioners, above named, in the event of their arrest or

surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai in connection with Naokothi P.S. Case No. 63 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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