

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4843 of 2016

Arising Out of PS.Case No. -271 Year- 2015 Thana -VAISHALI District- VAISHALI(HAJIPUR)

1. Ajeet Mishra @ Ajeet Kumar Mishra Son of Krishna Nandan Mishra
2. Jay Prakash Mishra, Son of Manoj Mishra

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar, Advocate

For the Opposite Party/s : Mr. P.K.Chaurasiya(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 05-02-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379, 447, 504/34 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case is that the informant was planted banana plant on his land which was protested by his uncle Manoj Mishra. Thereafter, uncle of the informant raised alarm when petitioner no.1 Ajeet Mishra, petitioner no.2 Jay Prakash Mishra and co-accused Om Prakash Mishra came various armed with



'lathi', 'danda, 'farsa' and made assault on the head of the informant when cousin (brother) of the informant namely Mahesh Mishra came to rescue then the accused person assaulted him with butt portion of the pistol and resorted to fire. It is further alleged that co-accused Om Prakash Mishra took away Rs.4,750/- from the pocket of the informant.

It is submitted by learned counsel for the petitioners that the petitioners are agnate of the informant. The injuries of the informant and his cousin (brother) have been found to be simple in nature. There is no injury report of the brother of the informant and in the background of land dispute the accusation has been levelled. Though with regard to some of the injuries opinion has been kept reserved but subsequently the injuries have found to be simple in nature. There is counter version of the occurrence. Moreover, a statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the genesis of the occurrence, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like

amount each to the satisfaction of the learned CJM, Vaishali in connection with Vaishali P.S. Case No.271/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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