

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7974 of 2016

Arising Out of PS.Case No. -1348 Year- 2015 Thana -SASARAM MUFFSIL District- SASARAM
(ROHTAS)

- =====
1. Kamallesh Mishra Son of Late Dudul Mishra Resident of village-
Patiyan , Police Station -Sasaram (Mufassil) District Rohtas.
 2. Amit Singh Son of Sheo Kumar Singh Resident of Village-Sahpur
Police Station , Sasaram (Mufassil)District Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Bharat Lal (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-02-2016 Heard learned counsel for the petitioners and learned
A. P.P. for the State.

Petitioners apprehend their arrest in connection with
Sasaram (Muffasil) P.S. Case No. 1348 of 2015 registered for
offences punishable under Sections 341, 323, 325, 307, 379/34 of
the Indian Penal Code.

The prosecution case, in brief, is that injured-informant
gave his written statement before the Officer-in-charge, Sasaram
(Muffassil) Police Station alleging therein that on 29.11.2015
informant with one Laleshwar Singh had gone to purchase diesel
at Amari Petrol Pump where the accused persons were present
from before. After seeing him, Kamlesh Mishra (petitioner no.1)



told the other accused persons to assault him and throw him after killing. Thereafter, all the accused persons surrounded him and Nawaneet Mishra and Nitish Mishra started assaulting him by rod on his head. Kamlesh Mishra assaulted him by lathi on his both hands, as a result of which his both hands got fractured. Amit Singh assaulted him by the butt of the pistol on his mouth and Bade Mishra took out Rs. 10,000/- from his pocket. After assault, informant fell down and the accused persons fled away presuming that he was dead.

It has been submitted by the counsel for the petitioners that petitioners are innocent and have committed no offence, but because of personal enmity regarding land dispute, bearing Title Suit No. 577 of 2010 pending in the Court of learned Sub-Judge-Xth, the present case has been instituted against them. It has further been submitted that the injuries said to have been caused by the petitioners are simple in nature. Furthermore, it has been contended that petitioner no.1 has no criminal antecedent, but petitioner no.2 is implicated in two more cases.

However, learned A.P.P., on the other hand, submits that the petitioners are named in the First Information Report.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender before the Court below within

a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram, Rohtas in connection with Sasaram (Muffasil) P.S. Case No. 1348 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

However, it is made clear that if petitioner no.2, Amit Singh having criminal antecedent, indulges in the case of similar nature as the present one in future, the learned court below will be at liberty to cancel his bail bond without being prejudiced by this order.

(Nilu Agrawal, J.)

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