

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46176 of 2016

Arising Out of PS.Case No. -266 Year- 2012 Thana -SARAI RANJAN District- SAMASTIPUR

- =====
1. Amrendra Kumar Mishra @ Munna, son of Kameshwar Mishra
 2. Niwasan Mishra @ Munchun, son of Kameshwar Mishra,
 3. Sonu Kumar Mishra @ Suman Kumar @ Sonu, son of Amarendra Kumar Mishra

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Ashok Kr.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-10-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147/148/149/341/323/324/307/337/338/379/504 of the Indian Penal Code.

Prosecution case is that the informant of the present case was called on 09.12.2012 by co-accused Prahalad Sahni and Ram Nath Sahni for receiving the payment of consideration amount of the land which the informant negotiated to sell to them. When the informant reached to Prahalad Sahni he found petitioner no.2 Niwasan Mishra standing armed with revolver, petitioner no.3 Sonu Mishra armed with Gupti whereas



Kameshwar Mishra and unknown were armed with iron rod. It is further alleged that on the order of co-accused Kameshwar Mishra, petitioner no.3 Sonu Kumar assaulted with the gupti on the head of the informant, but injury was caused on the left eye brow. When the son of the informant Sushil Kumar raised alarm, co-accused Kameshwar Mishra and three others assaulted the informant with iron rod whereas petitioner no.2 Niwasan Mishra assaulted with the butt of the pistol. When the informant fell down then petitioner no.1 Amarendra Kumar snatched Rs.15000/- from the pocket of the informant. On arrival of villagers pelted bricks and stones as a result the petitioners also received injuries.

It is submitted by learned senior counsel for the petitioners that earlier bail application of the petitioners preferred through Criminal Miscellaneous No.29345/2013 was rejected as not pressed under the wrong impression. At earlier point of time, the petitioners' side lodged Sarairanjan P.S. Case No.267/2012 against the informant levelling accusation under sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code when seven persons from the petitioners' side received injuries. A statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

This Court is not inclined to revise the earlier order since earlier prayer for bail was rejected as not pressed on the prayer of the counsel for the petitioner, but keeping view of the nature of accusation and the case lodged by the petitioners' side at earlier point of time, it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks in connection with Sarairanjan P.S. Case No.266/2012, pending before the learned Judicial Magistrate, 1st Class, Samastipur.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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