

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47889 of 2016

Arising Out of PS.Case No. -88 Year- 2016 Thana -VIJAYPUR District- GOPALGANJ

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1. Sri Narayan Mishra @ Guddu Raja, son of Sri Ramayan Mishra
 2. Sri Prafull Chand Mishra @ Prafull Mishra, son of Sri Ramayan Mishra
 3. Sri Ramayan Mishra, son of Late Gomti Mishra
 4. Sri Mintu Mishra, son of Sri Rampyare Mishra
 5. Sri Ram Mishra, son of Late Gomti Mishra
 6. Sri Sonu Mishra, son of Sri Ram Mishra
 7. Sri Arun Mishra, son of Lalan Mishra All resident of village- Purana, P.S.- Vijaipur, P.O.- Maheshpur, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashish Giri

For the Opposite Party/s : Mr. Sri Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 05-12-2016 Heard Mr. Ashish Giri for the petitioners, Mr. Tiwary for the informant and Mr. M. Dayal, APP for the State.

All the petitioners herein are named accuseds of Vijaipur P.S. Case No. 88 of 2016 registered under Sections 147, 148, 149, 341, 234, 307, 427, 448 and 504 of the Indian Penal Code.

On going through the F.I.R., it appears that over a quarrel on a piece of land, it is alleged that the petitioners assaulted the informant and his four sons. Specific allegations have also been alleged against the petitioners herein of having caused injury by sharp cutting weapon. Subsequently, it is alleged



that they also entered into the house of the informant and not only assaulted but ransacked the house.

Contention of the petitioners is that actually the prosecution side was the aggressors and on a dispute over land, they assaulted the present accused party in which petitioner no. 7 received fire arm injury on his neck. Police also raided on the house of the informant of the present case and recovered one country made gun which is suggestive of the truthfulness of the case lodged by the petitioner no. 2 vide Vijaipur P.S. Case No. 86 of 2016.

Mr. Tiwary, on the other hand, submits that the allegations are specific against the petitioners. Although, some of the injuries have been opined simple in nature but they definitely corroborate the prosecution case. The informant actually had resorted to the firing in air as has been spelt out in the F.I.R. itself. He further states that in the case lodged by the present petitioners, the accuseds have been granted only the privilege of regular bail.

Learned APP, on going through the record, has also submitted that there are specific allegations attributed to the petitioners.

Considering the facts and circumstances of the case, I am not persuaded to extent the petitioners the privilege of



anticipatory bail. Prayer is rejected. Let the petitioners surrender and pray for bail which shall be considered on its own merit unprejudiced by the present order.

(Kishore Kumar Mandal, J)

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