

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17415 of 2017

Arising Out of PS.Case No. -249 Year- 2016 Thana -KALYANPUR District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Shishir Kant @ Barun, son of Prakash Chandra Mishra.
 2. Prakash Chandra Mishra, son of Wakil Mishra.
 3. Rameshwar Mishra, son of Late Subh Narayan Mishra.
 4. Abinash Chandra Mishra, son of Wakil Mishra.

All of the above are the residents of Village - Madan Sirisia, P.S. -
Kalyanpur, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 17-07-2017 It appear that this application in respect of the petitioner no.3 Rameshwar Mishra has already been dismissed as withdrawn by this Court vide order dated 28.06.2017, as such, today, now, only the prayer of the petitioner nos.1, 2 and 4, above named, to grant them anticipatory bail is being considered.

Heard.

The petitioner nso.1, 2 and 4, above named, apprehend their arrest in connection with Kalyanpur P.S. Case No.249 of 2016 registered under Sections 448, 341, 323, 354, 380, 307, 504 and 506/34 of the Indian Penal Code.



The accusation is that the petitioners alongwith 4-5 unknown variously armed with weapon while abusing came at the door of the informant. When the informant made protest then they started to cause assault to the informant through fists and slaps and also gave threatening not to erect the boundary wall. When Chandeshwar Mishra came to save the informant, then the petitioner no.1 Shishir Kant snatched the gold chain from his neck worth Rs.45000/-. Thereafter, the petitioner no.4 Abinash Chandra Mishra entered the house of the informant and took cloths, utensils, ornaments and cash Rs.50,000/- from the box by breaking the same and also caused assault to the mother of the informant. At that time, the petitioner no.2 Prakash Chandra Mishra, petitioner no.4 Abinash Chandra Mishra and the petitioner no.1 Shishir Kant dragged the informant with an intention to kill him. On hulla, when the villagers of the informant reached there, all fled away from there.

Learned counsel appearing on behalf of the petitioner nos.1, 2 and 4 submits that due to land dispute, the occurrence of “Maar-Peet” took place between the parties regarding which on the basis of the written report of the petitioner no.2 Prakash Chandra Mishra, Kalyanpur P.S.Case No.248 of 2016 was also instituted against the informant of the present case and others.



The petitioner nos.1, 2 and 4, above named, have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioner nos.1, 2 and 4, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, in connection with Kalyanpur P.S. Case No.249 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

