

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1750 of 2017

Arising Out of PS.Case No. -683 Year- 2015 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Lalit Narayan Mishra, S/o Umashankar Mishra, R/o Madhuban Chhawani
Chwok, Meena Bazar, P.S. Nagar (Motihari), District- East Champaran.

.... Petitioner.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioner : Mr. Radheyshyam Sharma, Advocate.

For the State : Mr. Binod Kumar, A.P.P.

For the Informant : Mr. Manoj Kumar and Karndeep, Advocates.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 20-01-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State as also the learned counsel for the

informant.

The petitioner seeks bail in connection with Motihari

Town P.S. Case No.683 of 2015 registered under Sections 147,

148, 149, 323, 387, 307 and 379 of the Indian Penal Code besides

Section 27 of the Arms Act.

The accusation of the informant Jamil Ahmad Khan is

that he purchased two kathas 3 dhoors land from the land owner

Chitranjan Mukherjee and Swastika Mukherjee on 26.09.2014 and

also executed the power of attorney in favour of Umashankar



Mishra, the father of the petitioner, to look after the property but taking undue advantage of the power of attorney, Umashankar Mishra captured the shop situated over the said land. In spite of repeated requests, Umashankar Mishra and his son Lalit Mishra (petitioner) did not vacate the purchased land. Ultimately, on 06.10.2015 in the morning, the informant alongwith Srujan Kumar Verma, the Manager of his ex- land owner, went at the purchased land and asked the petitioner and his father to vacate the land but they started giving threatening. At that time, the wife, daughter, daughter-in-law of Umashankar Mishra and one Somenath Thakur, the brother-in-law of the petitioner started pelting stones and bricks at them. In the meantime, on the order of Umashankar Mishra, the petitioner climbed on the roof and started to make firing but luckily no one sustained firearm injury. At that time, Amod Kumar, Arman Khan, Rana Singh Kumar, Anurag and Sudhir Paswan, who had rushed there for intervention in the matter, also sustained injuries.

Learned counsel appearing on behalf of the petitioner submits that, in fact, the disputed land is in possession of the petitioner but when the informant went there to get the aforesaid land vacated forcibly, the occurrence of “Maar-Peet” took place in which Umashankar Mishra and Urmila Devi, the mother and



father of the petitioner, one Dhiraj Kumar alias Vikash Kumar and petitioner also sustained injury regarding which on the basis of the written report of the petitioner, Motihari Town P.S. Case No.684 of 2015 was instituted against the informant of the present case and others. The petitioner is in custody since 07.10.2016. Learned counsel for the petitioner submitted at the Bar that while the petitioner is accused in either other cases, as detailed in paragraph- 3 to this application, but in all that cases the petitioner is on bail and the informant of the present case managed to lodge all that cases.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran, in connection with Motihari Town P.S. Case No.683 of 2015.

(Rajendra Kumar Mishra, J)

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