

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39692 of 2018

Arising Out of PS. Case No.-123 Year-2018 Thana- MAIRWA District- Siwan

Sonu Mishra @ Sushil Mishra, S/o Ashok Mishra, R/o Vill.- Ugrasen
Chhapar, P.S.- Mairwa, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Adv.

For the Opposite Party/s : Mr. Uma Shankar Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-07-2018 Heard learned Counsels for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 307/34,323, 324,
341, 379, 504 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 09.04.2018 submitted by Mamta Ranjan Tiwary to
the Station House Officer, Mairwa Police Station is to the effect
that all the accused persons, variously armed, came at the house
of the informant and started abusing and on protest being made,
all the accused persons started assaulting her. It is specifically
alleged that the petitioner, Sonu Mishra assaulted on the head of
the informant by 'garasi', consequently, the informant fell down
on the ground then, all the other accused persons assaulted her.
It is further alleged that co-accused, Surendra Mishra, snatched



an earring and a Mangal Sutra from the informant.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of a land dispute for which Title Suit No.983 of 2012 is pending. The date and time of the occurrence has not been mentioned in the FIR. The FIR was registered on 09.04.2018, but it reached to the Court of learned ACJM-VII on 16.04.2018, which suggests that the FIR has been registered with antedating. In fact, the informant side assaulted the petitioners' sides, for which, Mairwa P.S. Case No.122 of 2018 has been registered with accusation 307/34,323, 324, 341, 379, 504 of the I.P.C. against the informant's side. Though it is specifically alleged that the petitioner assaulted with 'Garasa', but injuries has been found of marginal size caused by a hard and blunt substance. Though opinion has been kept reserved with regard to the same. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation is specific against the petitioner.

Considering the accusation being not corroborated by the medical opinion, the accusation being levelled in the background of land dispute, pending title suit and counter



version of the occurrence, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-VII, Siwan, in connection with Mairwa P.S. Case No.123 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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