

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67990 of 2018

Arising Out of PS. Case No.-42 Year-2017 Thana- BISHUNPUR District- Darbhanga

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1. Shantinath Mishra, Son of Late Jagarnath Mishra
 2. Kishore Kumar Mishra, Son of Shantinath Mishra
 3. Indra Kala Devi, wife of Shantinath Mishra
 4. Satyendra Kumar Choudhary, Son of Kameshwar Chaudhary
- All are Resident of Village-Panchom Krishna, P.S.
Bishanpur, Distt.-Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sati Ranjan Jamaiyar, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-12-2018 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 323, 341, 420, 427, 379 and 504/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 02.07.2017 submitted by Rita Mishra to the Station House Officer, Bisanpur Police Station to the effect that on 28.05.1994, the informant purchased a piece of land, appertaining to Khata No.1855, Plot N.955 and Khata No.881, Plot No.3971, situated in Darbhanga from Nilam Mishra. Subsequently, the husband of Nilam Mishra, namely Mahavir



Mishra gave Power of Attorney to her wife on 11.11.1993. Thereafter, one Indrakala Devi purchased a piece of land appertaining to Khata No.5, Plot No.955 (old) and Plot No.1191 (new) from Mahavir Mishra and thereby cheated the informant. On protest being made, on 27.06.2017 at 11.15 A.M., all the accused persons came to the house of the informant and they abused her. It is further alleged that petitioner no.1, Shanti Nath Mishra misbehaved with her and took the signature of the informant on a blank paper, on the point of country made pistol, whereas, petitioner no.3, Indrakala Devi, snatched a gold chain from the neck of the informant worth Rs.60,000/-. It is further alleged that petitioner no.2 Kishore Kumar Mishra fired and took a leather attache kept in the house of the informant, wherein Rs.10,000/- was kept .

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. Moreover, none has received any injury. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners are named in the FIR with specific accusation.

Considering the nature of accusation, coupled with



statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned ACJM-VII, Darbhanga, in connection with Bishunpur P.S. Case No. 42 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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