

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53891 of 2018

Arising Out of PS. Case No.-585 Year-2017 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Pradeep Mishra S/o Bachcha Mishra
2. Manish Mishra S/o Bachcha Mishra Both R/o Village-
Ramgarhwa, P.S. Mufasil, District- Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Vinod Shankar Modi

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 27-09-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case
registered under Sections 341, 342, 323, 324, 307, 504, and 506
of the Indian Penal Code.

The prosecution case, in short, is that in the backdrop
of dispute over cutting a tree, the accused persons variously
armed assaulted the brother of the informant due to which he
succumbed to the injury.

It has been submitted on behalf of the petitioners that
the petitioners have got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the
petitioners. There is general and omnibus allegation levelled



against the petitioners. No specific overt act has been alleged against the petitioners. Specific allegation of assault is attributed against co-accused Dilip Mishra. No specific injury is attributed against the petitioners. The petitioners have been made accused due to mistake of fact.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. On perusal of the post mortem report, it appears that there are multiple external injury found on the body of the deceased.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioners. Prayer is rejected. If the petitioners surrender in the Court below, the same shall be considered on its own merit without being prejudiced by this order taking into account that no fatal injury has been caused by the petitioners.

(Sudhir Singh, J)

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