

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46652 of 2019**

Arising Out of PS. Case No.-32 Year-2019 Thana- KHANPURA District- Samastipur

1. SURESH MISHRA Son of Late Ghooter Mishra Resident of Village-Khanpur, P.S.- Khanpur, District- Samastipur (Bihar).
2. Hira Kant Mishra @ Heera Son of Sri Suresh Mishra Resident of Village-Khanpur, P.S.- Khanpur, District- Samastipur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mr.Nirmala Kumari

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 21-10-2019 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend their arrest in connection with
Khanpur P.S. Case No.32/2019 registered for the offence
punishable under Sections 341, 323, 307, 447, 504 and 379/34
of the Indian Penal Code.

While the informant was sitting at his door, Kanhaiya
Mishra started slating and assaulting him. On hulla made by the
informant, his wife, son and daughter-in-law rushed there. Then



four other named accused persons including the appellants arrived there and assaulted the informant and his family members. In the meantime, Hirakant Mishra assaulted on the head of his son by means of rod while Suresh Mishra @ Nathuni Mishra assaulted on his head by means of lathi.

It is submitted by learned counsel for the petitioners that the petitioners have no concern with the aforesaid occurrence. They have been falsely implicated in the case due to land dispute. Petitioners happen to be co-sharer. There is inordinate delay of 3 days in lodging the F.I.R. without assigning any plausible explanation for the said delay. The injury sustained by the victims are simple in nature. Other accused persons have been enlarged on bail by the learned court below vide order dated 12.06.2019 passed in A.B.P. No.831 of 2019. Petitioners have no criminal antecedent.

On the other hand, learned APP opposed the bail prayer of the petitioners.

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned court below within a period of six 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 learned S.D.J.M., Samastipur
in connection with Khanpur P.S. Case No.32/2019, subject to
the condition as laid down under Section 438(2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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