

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70381 of 2018

Arising Out of PS. Case No.-1009 Year-2018 Thana- AHIYAPUR District- Muzaffarpur

1. Kailash Mishra and S/o Sri Ramakant Mishra.
2. Sumant Saurabh @ Guletan @ Gultaini @ Guletan Mishra, S/o Sri Kailash Mishra. Both are Resident of Village- Soti Bheriyahi, P.S.- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.Sri Murlidhar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 30-01-2019 Heard the parties.

The petitioners seek pre-arrest bail in Ahiyapur P.S. Case No.1009 of 2018 registered under Sections 143, 341, 323, 324, 325, 379, 307 of the I.P.C. and Section 27 of the Arms Act.

Accusation is that on 18.09.2018 at 7.30 A.M. the informant Balendu Ray @ Balendu Singh received information that his two staffs Sushil Mahto and Daya Shankar Prasad sat in the Bus of Sheet Basant in the preceding evening but the Conductor and Khalasi of that Bus started to commit mar pit. Both were the staff of Amar Jyoti belonged to him. His both staffs were also restrained in the garage of Sheet Basant Bus Travel. After receiving the said information the informant



Balendu Ray along with others went to the office of the Sheet Basant Bus and asked petitioner no.1, Kailash Mishra who is owner of the Sheet Basant Bus Travel to set my staff free upon which petitioner no.1 became enrage and thereafter he along with nine other co-accused persons variously armed with lathi, danda, rod and pistol started assaulting. Petitioner No.1 fired at the informant which hit in the right leg of Niraj @ Chintu Singh and petitioner no.2 Sumant Saurabh who happens to be the son of petitioner No.1, also opened fire which too hit the left leg of Niraj @ Chintu Singh.

Learned counsel appearing for the petitioners submits that, in fact, staff of petitioners has also lodged F.I.R. in Ahiyapur P.S.Case No.1017/18 for the same occurrence against the informant and his associates. Moreover, allegation of firing has been made against the petitioners which hit Niraj Singh causing injury in his right and left legs but the injuries as found are of simple in nature caused by hard blunt substance.

Having considered the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within four weeks from today be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to



the satisfaction of C.J.M., Muzaffarpur, in Ahiyapur P.S.Case
No.1009/18 subject to the conditions as laid down under Section
438(2) of Cr.P.C.

(Rajendra Kumar Mishra, J)

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