

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68518 of 2018

Arising Out of PS. Case No.-63 Year-2018 Thana- GOVINDGANJ District- East Champaran

1. Pankaj Mishra,
2. Shailesh Mishra @ Deepak Mishra, Both are Sons of Late Umashanker Mishra, Resident of Village- Babu Tola Malahi, P.S.- Govindganj (Malahi), District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Pandey

For the Opposite Party/s : Mr.Sir Pawan Kumar Chaurasiya

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 02-01-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioner no. 1, being the husband of the informant, and petitioner no. 2 being the brother of petitioner no. 1 are languishing in custody since 27.08.2018 in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 325, 379, 504 and 506 Indian Penal Code.

The prosecution case as per the written report of Sangeeta Devi dated 22.03.2018 submitted to the Incharge, Police Camp, Sadar Hospital, Motihari is to the effect that the informant was married with petitioner no. 1, Pankaj Mishra and subsequently, they were blessed with three children. After some time, the informant came to know that her husband is having



illicit relationship with his sister-in-law, Manju Devi. On protest being made, the relationship turned sour, leading to filing of matrimonial suit. Subsequently, the informant was assaulted by the in-laws, leading to registration of Malahi P.S. Case No. 94 of 2017. The in-laws also filed case being Malahi P.S. Case No. 232 of 2017 which on conclusion of investigation was found false. Thereafter, the informant lodged another criminal case being Malahi P.S. 270 of 2017. On 22.03.2018 Nupur Kumari facilitated the talk between petitioner no.2, Shailesh Mishra @ Deepak Mishra and husband of the informant, petitioner no. 1, Pankaj Mishra when petitioner no. 2 assured that the informant will be killed. It is alleged that petitioner no.2, Shailesh Mishra @ Deepak Mishra assaulted the informant with axe and thereafter, she was assaulted by co-accused Nupur Kumari with iron rod, when the daughter of the informant, Kriti came to rescue, co-accused Manju Devi and Raja Babu assaulted with Fasuli and Lorhi. Thereafter, the accused persons took away articles from the house of the informant and when the informant protested, co-accused Raja Babu assaulted with Fasuli on the head of the informant, as a result she became unconscious.

It is submitted by learned counsel for the petitioners that there is no specific accusation against petitioner no. 1 since



petitioner no. 1 was not present on the place of occurrence. The specific accusation of assault is against petitioner no.2, Shailesh Mishra @ Deepak Mishra but it does not appear that any injury was caused by the assaulted. However, it is specific case of the informant that the assault caused by co-accused Raja Babu caused injury on her head. The injury report reflects that only one injury has been caused to the informant which is specifically alleged co-accused Raja Babu.

Learned APP after going through the case diary submits that there is specific accusation against the petitioners.

Considering the fact that the accusation is not being corroborated with medical opinion and only one injury has been found which is caused by co-accused Raja Babu, let the above named petitioners be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, East Champaran at Motihari in connection with Govindganj (Malahi) P.S. Case No. 63 of 2018..

(Dinesh Kumar Singh, J)

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