

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17471 of 2020**

Arising Out of PS. Case No.-14 Year-2019 Thana- BIRUPUR SAHAYAK District-
Lakhisarai

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1. MAHENDRA MISTRI Son of Late Mishri Mistri @ Bhabhari Mistri Resident of Turak Bhagini, P.S.- Biripur, District- Lakhisarai.
 2. Amod Mistri @ Amod Sharma Son of Mahendra Mistri Resident of Turak Bhagini, P.S.- Biripur, District- Lakhisarai
 3. Kunti Devi Daughter of Mahendra Mistri Resident of Turak Bhagini, P.S.- Biripur, District- Lakhisarai
 4. Arti Kumari Daughter of Mahendra Mistri Resident of Turak Bhagini, P.S.- Biripur, District- Lakhisarai
 5. Dinsesh Mistri @ Dinesh Sharma Son of Bahunu Mistri Resident of Turak Bhagini, P.S.- Biripur, District- Lakhisarai
 6. Mili Singh @ Mithun @ Mritunjay Singh Son of Sito Singh Resident of Turak Bhagini, P.S.- Biripur, District- Lakhisarai

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satish Kumar, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 23-09-2020 Heard learned counsel for the petitioners and Mr.
Binod Kumar, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Birpur P.S. Case No. 14/2019 registered for the offences punishable under Sections 448, 323, 324, 307, 506, 34, 363, 511 of the Indian Penal Code.

Learned counsel for the petitioners submits that an admitted land dispute has been disclosed in the First



Information Report itself. There are altogether eight accused named in the F.I.R. and the allegation are general and omnibus that all of them had assaulted the informant side, however the injury reports which are available with the case diary shows that only one injury has been found on Krishna Mistry whereas Nunumati Devi and Shalo Devi are said to be suffering with general bodyache, one bruise and headache. It is thus submitted that the general and omnibus allegations against eight accused persons are not substantiated from the injury reports and it is a case of false and over implication of the accused persons.

Although learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners but considering the facts and circumstances of the case wherein there are general and omnibus allegations against eight accused persons of assaulting the informant side but the injury report is not suggesting assault by so many persons and the submission is that it is a case of land dispute between the parties, otherwise they have no criminal antecedent, let the petitioners above-named, in the event of their arrest or surrender within a period of four weeks from today in connection with Birpur P.S. Case No. 14/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of



the like amount each to the satisfaction of learned C.J.M.,
Lakhisarai, subject to the conditions as laid down under Section
438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself
available for interrogation by a police officer as and when
required;

(ii) a condition that the person shall not, directly or
indirectly, make any inducement, threat or promise to any
person acquainted with the facts of the case so as to dissuade
him from disclosing such facts to the Court or to any police
officer;

(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

