

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34995 of 2020

Arising Out of PS. Case No.-158 Year-2020 Thana- KISHUNPUR District- Supaul

Shashi Kant Mishra Son of Achyutanand Mishra Resident of village- Murli,
P.s.- Kishanpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Ashok Kumar, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Kishanpur P.S. Case No. 158 of 2020 for the offence punishable under Sections 341, 323, 324, 447, 448, 325, 307, 354(B), 379, 504, 506/34 of the Indian Penal Code.

The case of the prosecution in brief, according to the informant, is that on 14.06.2020, when he came to his land in the morning at about 6 A.M., he found the co-accused person namely Adhikant Mishra digging soil by spade and upon being



told not to do so, he assaulted the informant on his head by the spade, resulting in him receiving cut injury, where-after the informant started running away in order to save his life, however, the other accused persons including the petitioner herein had arrived there and were variously armed. It is further alleged that the accused persons had then abused the informant and entered into the court-yard of his house and when his family members had arrived to save him, the accused persons had started assaulting them as well. As far as the petitioner herein is concerned, he along with one co-accused namely Adhikant Mishra is stated to have inflicted a blow by iron rod on Mukesh Kumar Jha. Lastly, it has been alleged that as far as the petitioner is concerned, he along with co-accused person namely Adhikant Mishra had also assaulted Harsh Kumar.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 16.06.2020. The learned counsel for the petitioner has submitted that though the injury sustained by Mukesh Kumar Jha has been opined to be grievous in nature, but the injury sustained by Harsh Kumar is stated to be simple in nature, however, it is submitted that the present case arises out of case



and counter case, inasmuch as six persons of the petitioner's side have also been injured in the said incident, including the petitioner herein and the injury report of the petitioner has also been annexed to the present petition as Annexure-4.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the present case has arisen on account of land dispute, inasmuch as the present case arises out of case and counter case and there has been a free fight between the parties resulting in members of both the parties sustaining injuries, apart from the fact that the injuries inflicted on Harsh Kumar and Mukesh Kumar Jha, who have been stated to have been assaulted by the petitioner and one other accused person namely Adhikant Mishra are not so serious so as to be fatal in nature, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Supaul in
connection with Kishanpur P.S. Case No. 158 of 2020.

(Mohit Kumar Shah, J)

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