

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85985 of 2019

Arising Out of PS. Case No.-220 Year-2019 Thana- BENIPATTI District- Madhubani

1. SONU MISHRA @ SONU MISHRA SAMRAT S/o Sri Pulindra Mishra
Resident of Village- Ladugama, P.S.- Benipatti, Dist- Madhubani.
2. Pulindra Mishra S/o Ram Naresh Mishra Resident of Village- Ladugama,
P.S.- Benipatti, Dist- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar Jha
For the Opposite Party/s	:	Mr.Md. Ataur Rahman
For O.P. 2	:	Mr. Bhavesh Kr. Sah

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-01-2020 At the outset, the learned counsel for the petitioners seeks not to press the present petition *qua* the petitioner no. 2, hence the present petition stands dismissed as not pressed, as far as the petitioner no. 2 is concerned.

Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Benipatti case no. 220 of 2019 registered for the offences punishable under Sections 341, 323, 504, 324, 307/34 of Indian Penal Code.

The allegation is regarding the petitioner herein having assaulted the informant by means of *garasa* and *lathi* and as far as petitioner no. 2 is concerned, he is said to have assaulted on the



head of the informant by means of *garasa*, whereafter the petitioner no. 1 has assaulted the informant as well.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the injury attributable to the petitioner no. 2 has been found to be grievous in nature, however rest of the injuries are simple in nature, hence the petitioner no. 1 is entitled to the privilege of anticipatory bail, specially since general and omnibus allegation has been levelled.

The learned counsel for the informant has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner coupled with the fact that the main assailant who is stated to have caused grievous injury is petitioner no. 2 and as far as petitioner no. 1 is concerned, general and omnibus allegation has been levelled, I deem it fit and appropriate to admit the petitioner no.1 to the privilege of anticipatory bail. Accordingly, petitioner no. 1, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Benipatti, Madhubani in connection with Benipatti PS case



no. 220 of 2019 subject to the conditions as laid down under Section
438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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