

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3106 of 2021

Arising Out of PS. Case No.-53 Year-2020 Thana- LAURIA District- West Champaran

Sudhansu Mishra @ Chandan Mishra @ Chand Mishra, aged about 26 years (M), Son Of Sri Krishna Kant Mishra, Resident Of Village Belwa More, P.S. Lauriya, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Brij Kishor Mishra, Advocate.
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-07-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 448, 380 and 504 of the I.P.C. Later on, Section 302 of the I.P.C. was also added.

The prosecution story, in brief, is that the petitioner alongwith other co-accused armed with weapons came due to previous dispute and started abusing the informant and they were saying to divide the share of other co-accused, namely,



Pragat Mishra then the informant replied that as per the *Panchayati* all will be settled. Upon which, other co-accused, namely, Sushant, Prashant, Nishant and Saket started to assault him by means of Lathi and other co-accused, namely, Shiva Kant and Krishna Kant attempted on him by means of Iron rod with intention to murder and when his wife Binita Devi came to protect him then she was also assaulted by Krishna Kant and other co-accused Pragat by means of *Lat-Mukka* and fat and during the course of assault, she fallen down on the earth having loosed her Sari by the petitioner and other co-accused and when his son Pranjay Kumar Mishra came to protect then the co-accused Sudhansu attempted on him by means of Iron rod and he sustained left hand finger cut injury and he was also assaulted by other co-accused persons alongwith the petitioner by means of Lathi and Danda. His son Praveen Kumar Mishra, came to protect then he was also assaulted by other co-accused Birendra. The *Mangalsutra* and clothes of the informant's wife were stolen by petitioner and other c-accused from the Box kept in the house.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged



against the petitioner. The petitioner has falsely been implicated in the present case. There is no allegation of assault alleged against the petitioner for causing injury upon the deceased. The petitioner is said to have given single *Dab* blow upon the son of the informant. In paragraph no. 8 of the petition, it has been stated that there is no injury report on record to support the allegation made in the F.I.R. From perusal of the order of the learned Sessions Court also, there is no reference of any injury report in respect of the son of the informant.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned A.C.J.M.-Ist, Bettiah, West Champaran, in connection with Lauriya P.S. Case No. 53 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of



eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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