

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39560 of 2020

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

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Shivakant Mishra @ Shiva Kant Mishra @ Pappu Mishra, aged about 53 years, male, Son of Late Laxman Mishra, Resident of Village - Siswaniya, P.S.- Lauriya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 08-12-2021 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Lauriya P.S. Case No. 53 of 2020, dated 15.05.2020, which was initially instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 354-B, 448, 380 and 504 of the Indian Penal Code, but later with the death of the informant, Section 302 I.P.C. was added.



There appears to have been a dispute between the father, who is the informant/deceased and his sons and step son, namely, Pragat Mishra. It further appears from the narration in the F.I.R. that the step son of the informant/deceased was not being given his due share in the family property. Many agnates including the petitioner therefore had approached the informant and had asked him the reason for not giving appropriate share to his son from the first wife. This perhaps led to a scuffle in which the petitioner and others are said to have assaulted.

The deceased has suffered single injury, which cannot solely be attributed to the petitioner.

The learned counsel for the petitioner has submitted that in the first instance, the informant/deceased has stated that four persons had actually attacked him, but later he has stated that the petitioner and another attacked him by means of an iron pipe.

The learned counsel for the petitioner while pressing this application for grant of anticipatory bail has submitted that there is no corresponding injury on the



person of the deceased.

However, looking at the nature of accusation, I am not inclined to grant anticipatory bail to the petitioner.

The prayer for grant of anticipatory bail to the petitioner is, accordingly, rejected.

However, if he surrenders before the Court below and seeks bail, the Court below, after taking into account that other accused persons of this case including the son from the first wife of the petitioner has been granted anticipatory bail, shall pass order in accordance with law on its own merits, without being prejudiced by the fact that the present anticipatory bail application has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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