

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15691 of 2021

Arising Out of PS. Case No.-110 Year-2020 Thana- DINARA District- Rohtas

1. Golden Kumar Mishra @ Golden Mishra, Male, aged about 25 years, Son of Kamal Kishore Mishra @ Kamal Mishra, Resident of Village- Madhukarpur, P.S.- Dinara, District- Rohtas at Sasaram.
2. Bhuwar Mishra, Male, aged about 35 years, Son of Janardhan Mishra, Resident of Village- Madhukarpur, P.S.- Dinara, District- Rohtas at Sasaram.
3. Anugrah Narayan Mishra, Male, aged about 40 years, Son of Janardhan Mishra, Resident of Village- Madhukarpur, P.S.- Dinara, District- Rohtas at Sasaram.
4. Chandan Mishra, Male, aged about 38 years, Son of Brij Kishor Mishra, Resident of Village- Madhukarpur, P.S.- Dinara, District- Rohtas at Sasaram.
5. Jhablu Mishra @ Hublu Mishra, Male, aged about 38 years, Son of Brij Kishor Mishra, Resident of Village- Madhukarpur, P.S.- Dinara, District- Rohtas at Sasaram.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sumeet Kumar Singh, Advocate
For the Opposite Party : Mr.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-02-2022 Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in connection with Dinara P.S. Case No. 110 of 2020 for the offence registered under Sections 147, 148, 149, 323, 307 of the I.P.C. and Section 27 of the Arms Act.



The prosecution story, in brief, is that on 06.05.2020 at about 9.00 A.M., in the day, while the informant was going to perform worship in the *Temple* of his village, in the meantime, accused persons including the petitioners came there and co-accused Sanjay Mishra gave the *gun* to co-accused Om Prakash Mishra and Om Prakash Mishra fired upon the informant which touched his head and he fell down. Thereafter, co-accused Kundan Mishra and Golu Mishra assaulted with *Lathi* on his head. When his nephew, namely, Jai Shankar Kumar and Tarun Mishra came there, co-accused Kameshwar Mishra and Om Prakash Mishra assaulted with *Lathi* on the head of Jai Shankar. Co-accused Binay Mishra assaulted with *Rami* on the neck of Jai Shankar and Pankaj Mishra started pressing his neck. When the nephew of the informant, namely, Tarun Mishra, came to save Jai Shankar, he was also assaulted by Kundan Mishra, Chuchu Mishra, Vijay Mishra and Vikky Mishra. When villagers assembled at the place of occurrence, the accused persons fled away.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. General and omnibus



allegation has been made against the petitioners. The specific allegation of assault is alleged against co-accused persons. There is land dispute between the parties. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the side of accused persons has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Sasaram, in connection with Dinara P.S. Case No. 110 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

