

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6666 of 2022

Arising Out of PS. Case No.-197 Year-2021 Thana- PANDAUL District- Madhubani

1. BASUDEV MISHRA Son of Late Balli Narayan Mishra @ Baso Mishra Resident of Village - Bihnagar, P.s.- Pandaul, Distt.- Madhubani.
2. Vikash Mishra Son of Basudev Mishra Resident of Village - Bihnagar, P.s.- Pandaul, Distt.- Madhubani.
3. Rahul @ Rahul Mishra Son of Basudev Mishra Resident of Village - Bihnagar, P.s.- Pandaul, Distt.- Madhubani.
4. Amol Mishra Son of Late Balli Narayan Mishra @ Baso Mishra Resident of Village - Bihnagar, P.s.- Pandaul, Distt.- Madhubani.
5. Basuki Mishra Son of Late Balli Narayan Mishra @ Baso Mishra Resident of Village - Bihnagar, P.s.- Pandaul, Distt.- Madhubani.
6. Arbind Mishra @ Raj Kumar Mishra Son of Basukinath Mishra Resident of Village - Bihnagar, P.s.- Pandaul, Distt.- Madhubani.
7. Sagar Thakur @ Sagar Mishra Son of Santosh Thakur Resident of Village - Navtol Jhanjharpur, P.s.- Jhanjharpur, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Prabhakar Thakur
For the Opposite Party/s :	Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 25-08-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners and learned counsel for the informant.

The petitioners apprehend their arrest for the offences alleged under Sections 341, 323, 307, 379 and 504 of the Indian Penal Code, registered in connection with Pandaul P.S.Case No. 197 of 2021.

As per allegation, co-accused Manoj Kumar Mishra was a candidate of *Panchayat Samitee* and there is specific allegation against petitioner nos. 1 and 3 and petitioner no.2 that they abused the informant and asked as to why he opposed in Panchayat election. Thereafter, they started assaulting the



informant. Petitioner no.5 assaulted the informant with *farsa* on his head. Petitioner no.3 assaulted with knife near the left ear of the informant. Petitioner no.2 assaulted with iron rod to Mangam Choudhary and Rakesh Choudhary and the informant. Co-accused Vijay Kumar Mishra assaulted the informant with *dabiya* on his head.

The learned counsel for the petitioners has submitted that there was rivalry between the parties in respect of *Panchayat* election. There is also a counter case.

On the other hand, learned counsel for the informant has submitted that in that counter case, the informant has not been named.

There is specific allegation against petitioner nos. 1, 2, 3, 5 and 7 to assault the injured persons and injured persons Santosh Kumar Mishra, Rakesh Chaudhary, Vijay Kumar Mishra and Ajay Kumar Mishra have sustained grievous injuries on their vital part including head.

In view of allegation against petitioner nos. 1, 2, 3, 5 and 7 to assault the injured persons, their prayer for anticipatory bail is rejected.

If petitioner nos. 1, 2, 3, 5 and 7 surrender before the court below and make a prayer for regular bail, that shall be disposed of on its own merit on the same day, without being prejudiced by this order.

So far as petitioner nos. 4 and 6 are concerned, considering the facts and circumstances, let them above-named, in the event of their arrest or surrender within four weeks from the date of communication of this order, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each, with two sureties of the like amount each to the satisfaction of



learned CJM, Madhubani in connection with Pandaul P.S. Case No. 197 of 2021, subject to the conditions as laid down under Section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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