

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8658 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- EKMA District- Saran

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1. LALDEO MISHRA Son of Late Binda Mishra Resident of Village - Tilkar, P.s.- Ekma, Distt.- Saran.
 2. Mukesh Mishra @ Mukesh Kr. Mishra Son of Laldeo Mishra Resident of Village - Tilkar, P.s.- Ekma, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Harsh Anuj, Advocate
For the Opposite Party/s	:	Mr.Vinod Shanker Modi, APP
For the Informant	:	Mr.Sanjeet Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 302 and 379 of the Indian Penal Code read with Section 27 of the Arms Act.

The informant alleges that on 20.07.2021 at 1:00 pm, informant along with his brothers was settling land dispute through *panchayat*, in the meantime, all the accused persons, including the petitioners, variously armed came and opened fire on the brothers of the informant causing firearm injuries, it is



next alleged that Aditya Vinayak fired at Gajendra Mishra causing injury on his chest, further Ankit Kumar fired on Anil Kumar Mishra causing injury on the back of his right shoulder and Ashish Kumar fired on Anubhav Kumar causing injury on his abdomen and thereafter victims were admitted in the hospital where Gajendra Mishra was declared brought dead, further the accused persons took away informant's Splendor motorcycle.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that admittedly the accused persons and the informant are related and from perusal of the F.I.R. it would manifest that specific allegation of firing is against three named accused persons but the petitioners also came to be implicated with general and omnibus allegation though no specific role in the occurrence has been attributed to the petitioners.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to meet the submission of the learned counsel for the petitioners that no specific role has been attributed to the petitioners in the occurrence.



Considering the submissions made by the learned counsel for the petitioners and the fact that the petitioners are persons with clean antecedent, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six 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 court below where the case is pending/successor court in connection with Ekma P.S. Case No. 295 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/Gaurav-

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