

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33325 of 2021

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

1. OM PRAKASH MISHRA S/O VIJAY SHANKAR MISHRA RESIDENT OF VILLAGE MADHUKARPUR, P.S DINARA, DISTRICT-ROHTAS AT SASARAM
2. RAHUL MISHRA S/O OM PRAKASH MISHRA R/O VILLAGE-MADHUKARPUR, P.S-DINARA, DISTRICT-ROHTAS AT SASARAM.
3. KUNDAN MISHRA @ KUNDAN KUMAR @ KULHAR MISHRA S/O OM PRAKASH MISHRA R/O VILLAGE-MADHUKARPUR, P.S-DINARA, DISTRICT-ROHTAS AT SASARAM.
4. HIMANSHU KUMAR @ GOLU MISHRA S/O SANJAY MISHRA R/O VILLAGE-MADHUKARPUR, P.S-DINARA, DISTRICT-ROHTAS AT SASARAM.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh
For the Opposite Party/s : Mr. Khursid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 04-04-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.

The petitioners apprehend their arrest in connection with Dinara P.S. Case No. 110 of 2020, registered for the offences punishable under Sections 147, 148, 149, 323, 307 of the Indian Penal Code and under Section 27 of the Arms Act.

As per allegation, 16 FIR named accused persons attacked



on the members of informant side. The allegation against petitioner No. 1 is that he opened fire which went out touching the head of the informant and he fell. The allegation against petitioner No. 3 is of assaulting the informant with *lathi* along with co-accused Chuchu Mishra, Vijay Mishra, Vicky Mishra and Tarun Mishra. The co-accused Om Prakash Mishra son of Ramayan Mishra assaulted Jai Shanker Kumar on his head.

Learned counsel for the petitioners has submitted that there is case and counter case and both sides have sustained injuries. He has further submitted that on similar footing some other co-accused persons have been granted anticipatory bail by learned coordinate Bench of this Court in Cr. Misc Nos. 15691 of 2021 and 14350 of 2021.

The nature of injury has been discussed in the order of learned 1st Additional District and Sessions Judge, Rohtas at Sasaram, which shows that there is no firearm injury and all the injuries are simple in nature.

Considering the above-mentioned facts and circumstances, let the petitioners, in the event of their arrest or surrender within four weeks before the learned court below, 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 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) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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