

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26654 of 2022

Arising Out of PS. Case No.-154 Year-2021 Thana- LADANIA District- Madhubani

SHUBH CHANDRA MISHRA @ BABU SAHEB Son of Late Nathuni
Mishra Resident of Village - Padma, P.S.- Ladaniya, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 35770 of 2022

Arising Out of PS. Case No.-154 Year-2021 Thana- LADANIA District- Madhubani

Sanjeet Kumar Mishra @ Sanjeet Mishra Son Of Ramakant Mishra R/O- Vill-
Padma, P.S.- Ladaniya, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 26654 of 2022)

For the Petitioner/s : Mr.Gopal Jha, Advocate

For the Opposite Party/s : Mr.Pranav Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 35770 of 2022)

For the Petitioner/s : Mr.Gopal Jha, Advocate

For the Opposite Party/s : Ms.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 31-08-2022 Since both the applications arise out of Ladaniya
P.S. Case No. 154 of 2021 as such, they have been heard
together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Ladaniya P.S. Case No. 154 of 2021 registered for the alleged offences under Sections 147, 148, 149, 342, 323, 325, 302, 120B and 307 of the Indian Penal Code.

As per prosecution case, the informant *Chowkidar* received secret information that an unknown thief was caught in the house of co-accused Kundan Mishra and he was being brutally assaulted by the villagers with *lathi* and *danda*. The informant reached there and found that apprehended thief was being assaulted by *lathi, danda, fists and slaps*. The informant named these two petitioners as well as co-accused Kundan Mishra apart from 100 unknown persons who assaulted the thief and caused serious injuries to him. When the thief was taken to the primary health centre, he was declared brought dead.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The allegation against the petitioners are mostly general and omnibus and is also against 100 co-accused persons. The wife of co-accused Kundan Misra has lodged an F.I.R. regarding attempted theft of a tractor related to the same incident wherein



she has stated that when her husband tried to catch the thief and he was assaulted by him but the villagers assembled and they thrashed the thief. The thief having been assaulted by more than 100 persons it is not possible to say that the petitioner were responsible for his death. Moreover, the incident took place at the house of co-accused Kundan Mishra and not at the place of the petitioners. The co-accused Kundan Misra has been granted bail by a Coordinate Bench vide order dated 20.04.2022 passed in Cr. Misc. No. 68840 of 2021. Charge sheet has been submitted and the petitioners are in custody since 28.03.2022 and 30.03.2022, respectively.

Learned APP for the State opposes the prayer for bail of the petitioners submitting that the petitioners assaulted the unknown thief and due to assault, he lost his life.

Having regard to the facts and circumstances and considering the general and omnibus allegation without attributing any specific overt act to the petitioners and further considering the submission of charge sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Madhubani in connection with Ladniya



P.S. Case No. 154 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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