

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42697 of 2021

Arising Out of PS. Case No.-304 Year-2020 Thana- BIRPUR District- Supaul

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1. DHIRENDRA MISHRA SON OF LATE MURLI MISHRA @ MURLIDHAR MISHRA R/O VILLAGE- BISHANPUR CHOUDHARY, WARD NO.1, P.S.- BALUA BAZAR, DISTRICT- SUPAUL
 2. VIKASH MISHRA SON OF DHURUP MISHRA R/O VILLAGE- BISHANPUR CHOUDHARY, WARD NO.1, P.S.- BALUA BAZAR, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-02-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302, 307 and other sections of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that he had purchased the agricultural land from the petitioner no.1. Over a dispute relating to ploughing of the land, it is stated that the two petitioners assaulted Taranand Mishra with a kudal (spade) on his back side of the neck as a result of which he fell down unconscious. On the other persons coming



to his rescue, the petitioners also assaulted them.

It is submitted by learned counsel for the petitioners that they have been falsely implicated in the case which would be evident from the material that has transpired in course of investigation. The transaction of immovable property is evident from the F.I.R. itself. Further, from the post-mortem report, it would transpire that the same does not support the allegations levelled in the F.I.R. in so far as abrasion over the lip besides some minor injury on the toe of the leg has been found and the cause of death in the opinion of the doctor is cardio respiratory failure. The petitioners are in custody since 10.4.2021 and 24.2.2021 respectively and have no criminal antecedent.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case including the material that has transpired in course of investigation and specially the contents of the post-mortem report and chargesheet having been submitted in the case, the Court directs the two petitioners to be enlarged on bail in connection with Birpur (Balua Bazar) P.S. Case no.304 of 2020 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned Additional Chief Judicial Magistrate, Birpur, District
Supaul.

(Partha Sarthy, J)

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