

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43565 of 2021**

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

1. Adula Devi @ Adula Mishra, Wife of Dhurup Mishra, Resident of Village- Bishanpur Choudhary, Ward no. 01, P.S.- Balua Bazar, District- Supaul.
2. Dhurup Mishra, Son of Late Murli Mishra @ Murlidhar Mishra, Resident of Village- Bishanpur Choudhary, Ward no. 01, P.S.- Balua Bazar, District- Supaul.
3. Baby Devi, Wife of Dharendra Mishra, Resident of Village- Bishanpur Choudhary, Ward no. 01, P.S. - Balua Bazar, District- Supaul.
4. Kajal Devi, Wife of Ritesh Mishra, Resident of Village- Bishanpur Choudhary, Ward no. 01, P.S. - Balua Bazar, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                            |   |                             |
|----------------------------|---|-----------------------------|
| For the Petitioner/s       | : | Mr. Arun Kumar, Advocate    |
|                            |   | Mr. Pramod Mishra, Advocate |
| For the Opposite Party/s : |   | Mr. Rabindra Kumar, APP     |

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      08-06-2022                      Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Arun Kumar, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Birpur (Balua Bazar) P.S. Case No. 304 of 2020 for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 354(B), 302/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on



21.12.2020 while the informant was in the filed, in which the wheat crop was planted, 11 accused persons including the petitioners variously armed with Lathi, Farsa and spade came there and started ploughing the field and when the same was protested, thereupon the accused Dhirendra Mishra, Ritesh Mishra and Vikash Mishra assaulted one Taranand Mishra by means of spade, due to which he fell down. It is further alleged that on hulla, the wife of the informant and his nephew came to rescue, but they were also assaulted by the accused persons.

At the outset, learned counsel for the petitioners submits at the bar, on instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

It is submitted by the learned counsel appearing on behalf of the petitioners that both the parties are agnates and there is admitted land dispute between the parties, which is mentioned in the F.I.R. It is further submitted that there is no specific allegation of any overt act against the petitioners, rather general and omnibus allegations have been levelled. It is next submitted that in fact a free fight has taken place between both the parties and so far the specific allegation has been concerned, the same has been attributed to co-accused Dhirendra Mishra. It



is also submitted that petitioner nos. 1, 3 and 4 are ladies and so far petitioner no.2 is concerned, there is no allegation of any overt act whatsoever against him and moreover the petitioners are ready to give undertaking that they will fully co-operate in the investigation and will not indulge in any such kind of activities in future.

On the other hand, learned APP for the State opposes the bail application of the petitioners and submits that the petitioners are named in the F.I.R. and the occurrence has taken place in furtherance of common intention.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there are general and omnibus allegation against all the petitioners, apart from the fact that three of the petitioners are ladies and so far as petitioner no.2 is concerned, there is no allegation of any overt act and all of them have absolutely clean antecedents, let the petitioners named above, be released on bail, in the event of their arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-I, Birpur, Supaul in connection with Birpur (Balua Bazar) P.S.



Case No. 304 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:

(i) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioners will cooperate in the investigation as well as in conclusion of the trial.

(iii) They will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

**(Harish Kumar, J)**

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