

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39548 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- GUTHANI District- Siwan

1. Khushbu Mishra @ Khushbu Kumari Daughter of Arvind Mishra Resident of Village - Chakiya, P.S. Guthani, District- Siwan.
2. Nirmal Mishra Son of Paras Mishra Resident of Village - Chakiya, P.S. Guthani, District- Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Advocate.
For the State	:	Mr. Rajiv Nayan, APP.
For the Informant/s	:	Mr. Ajay Kr. Pandey, Advocate.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 22-11-2022 The 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 learned counsel for the informant and the learned APP for the State.

Petitioners seek regular bail in connection with Guthani P.S. Case No. 74 of 2022 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant in his fardbeyan



has alleged that these petitioners along with other co-accused persons armed with weapons (Lathi, Danda, Farsa, Pistol, etc.) came at the house of the informant and started assaulting the informant and his family members and one co-accused opened fire at Ramdayal Mishra (deceased) and all the accused persons including these petitioners assaulted the deceased. Further it is alleged that Ramdayal Mishra (deceased) succumbed to the injuries during the course of treatment.

The main submissions advanced by learned counsel Mr. Ranjeet Kumar appearing for the petitioners are that in fact on the alleged date and time of occurrence an altercation took place in between both the parties due to a land dispute which resulted in a free-fight in between them and there is no specific allegation against the petitioners and the petitioner No. 1 is a 19 years old girl and the Post-Mortem report of the deceased reveals the cause of death due to shock and haemorrhage caused by sharp cutting weapon and there is no specific allegation against the petitioners of carrying any sharp-edged weapon at the time of alleged assault.

On the other hand, learned counsel Mr. Ajay Kr. Pandey appearing for the informant and learned APP Mr. Rajiv Nayan appearing for the State have vehemently opposed the bail



prayer and submitted that the accused persons killed a 45 years old person and the alleged occurrence was pre-planned.

Heard both the sides and perused the FIR, order impugned and the Post-Mortem report of the deceased filed as Annexure-2. As per the FIR, there is no specific allegation against the petitioners but the FIR goes to show that the alleged occurrence of assault was committed in a planned manner and admittedly there was a land dispute at that time in between both the parties and two incised wounds were found on the body of the deceased and as per the opinion of the Doctor concerned who conducted the Post-Mortem examination, cause of death opined as due to shock and haemorrhage caused by sharp cutting weapon. Considering the nature of allegation appearing against the petitioner No. 2 namely Nirmal Mishra, this Court is not inclined to enlarge him on regular bail. Accordingly, his prayer for bail stands rejected. So far as the prayer of petitioner No. 1 namely, Khushbu Mishra @ Khushbu Kumari is concerned, though she is carrying similar nature of allegation as the petitioner No. 2 but considering her young age and also the fact that she is a young girl, in the opinion of this Court, a lenient approach can be taken in respect of her prayer. Accordingly, let the petitioner No. 1 be enlarged on bail on



furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the court concerned in connection with Guthani P.S. Case No. 74 of 2022.

(Shailendra Singh, J.)

annu/-

U		T	
---	--	---	--

