

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53989 of 2021

Arising Out of PS. Case No.-402 Year-2019 Thana- PHULPARAS District- Madhubani

1. Manoj Mishra Son Of Late Satanjiv Mishra Resident Of Village- Tharbitiya, P.S- Phulparas, Dist- Madhubani
2. Sonu Mishra Son Of Anand Mishra Resident Of Village- Tharbitiya, P.S- Phulparas, Dist- Madhubani
3. Bileti Mishra @ Bimal Mishra Son Of Baidnath Mishra Resident Of Village- Tharbitiya, P.S- Phulparas, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha
For the Opposite Party/s : Mr. Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-11-2022 Learned counsel for the petitioners has filed a supplementary affidavit in the court today.

Let it be kept on the record.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323,



354, 379, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is case and counter case between the parties and both sides have sustained injuries. He submits that in the impugned order it is wrongly stated that the injuries are grievous in nature. He further submits that in para-3 of the supplementary affidavit it is mentioned that injuries of the informant it appears that he has sustained scratch mark over right side of lower chest three in number and nature of injuries are simple cause by hard and blunt substance but the learned Additional Session Judge in the impugned order mentioned that the injuries sustained by Sotilal Yadav (Chaupal) were grievous on his right wrist is an error or record in the facts and circumstances of the case. He further submits that petitioner nos.1 & 2 have three criminal antecedents and petitioner no.3 has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case and the fact that injuries are simple in nature, let the above named petitioners in the event of their arrest or surrender before



the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Phulparas P.S. Case No.402 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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