

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47855 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- BAJPATTI District- Sitamarhi

1. MOHAN MISHRA Son of Chandeshwar Mishra Resident of Village - Mahamadpur, P.s.- Bajpatti, Distt.- Sitamarhi.
2. Tejaswi Kumar @ Nayak Kumar Son of Mohan Mishra Resident of Village - Mahamadpur, P.s.- Bajpatti, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 379, 354, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent, petitioner no. 2 is a young boy aged about 23 years and the informant alleges that on 10.04.2022 on account of dispute relating to cutting of banana plant, the petitioners assaulted him and abused his mother and thereafter on 11.04.2022, the informant tried to settle the dispute through *panchayati* but the same could not be



held due to adamant attitude of the petitioners, thereafter it is alleged that on 12.04.2022, petitioner no.2 inflicted knife blow causing injury on his head and petitioner no. 1 assaulted by *dabia* causing injury on his head and accused also tried to outrage the modesty of his mother and snatched her *mangalsutra*.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case on account of dispute relating to land, petitioner no.1 is cousin uncle of the informant and petitioner no.2 is son of petitioner no.1, it is next submitted that no doubt there is allegation of assault but then the injury caused is simple in nature, it is also submitted that as far as allegation of outraging the modesty of informant's mother is alleged, the same is false and fabricated and ornamental in nature as mother of informant is aunt of petitioner no.2 and snatching of *mangalsutra* is also ornamental in nature. Learned counsel further submits that petitioners would not evade the law and would present themselves before the Investigating Officer of the case as and when required and will also cooperate in the investigation.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Bajpatti P.S. Case No. 97 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

However, in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners despite giving assurance before this Court, are not cooperating in the investigation or are not appearing when called, the learned trial court after giving an opportunity of hearing to the petitioners shall pass orders in accordance with law and shall also have the liberty to cancel their bail bonds.

Further, in the event if the Investigating Officer of the case files charge-sheet after investigation and the learned trial court comes to a conclusion that the petitioners are delaying the trial in any manner, then the learned trial court shall be at liberty



to pass orders in accordance with law and shall also have the liberty to cancel their bail bonds.

The learned trial court is directed to send a copy of this order to the concerned Police Station.

(Satyavrat Verma, J)

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