

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59916 of 2021

Arising Out of PS. Case No.-100 Year-2021 Thana- IMAMGANJ District- Gaya

1. VINAY MISTRI Son of Late Nanhku Mistri Resident of Village - Dubahal, P.S.- Imamganj, Dist.- Gaya.
2. Dinesh Mistri Son of Late Nanhku Mistri Resident of Village - Dubahal, P.S.- Imamganj, Dist.- Gaya.
3. Awadhesh Mistri Son of Ramnath Mistri Resident of Village - Dubahal, P.S.- Imamganj, Dist.- Gaya.
4. Udesb Mistri Son of Ramnath Mistri Resident of Village - Dubahal, P.S.- Imamganj, Dist.- Gaya.
5. Rakesb Mistri Son of Ramnath Mistri Resident of Village - Dubahal, P.S.- Imamganj, Dist.- Gaya.
6. Mukesh Mistri Son of Ramnath Mistri Resident of Village - Dubahal, P.S.- Imamganj, Dist.- Gaya.
7. Kamlesh Mistri Son of Dinesb Mistri Resident of Village - Dubahal, P.S.- Imamganj, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary
For the Opposite Party/s : Mr.Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 15-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

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

The petitioners apprehend their arrest in connection with Imamganj P.S. Case No. 100 of 2021, registered for



offence punishable under sections 147, 148, 149, 341, 323, 324, 325, 307, 504, 506 of the Indian Penal Code and section 302 of the Indian Penal Code.

When the informant was returning from his field, he saw that the accused persons named in the FIR including the petitioners, were assaulting his brother Yogendra Mistri. When the informant intervened then Surendra Mistri, Umesh Mistri, Krishna Mistri and Prem Mistri came to rescue the brother of the informant. The accused persons also assaulted them and made them injured. They also assaulted Swati Devi, sister-in-law of the informant. Yogendra Mistri died during treatment and thereafter, section 302 of the Indian Penal Code was added.

The learned counsel for the petitioners has submitted that there is case and counter case. It is a free fight between two groups and the members of defense side have also sustained grievous injuries. He has submitted further that in counter case, the members of prosecution side have been granted anticipatory bail by a coordinate Bench of this Court.

The accused persons, including the petitioners badly assaulted Yogendra Mistri and other members of the prosecution side. Yogendra Mistri died due to injuries suffered by him, as such, it is not a fit case for anticipatory bail. Accordingly, it is



rejected.

The petitioners are directed to surrender before the court below and make a prayer for regular bail. If the petitioners surrender before the court below and file regular bail petition, that shall be disposed of without being prejudiced by this order.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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