

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62723 of 2021

Arising Out of PS. Case No.-158 Year-2020 Thana- KISHUNPUR District- Supaul

1. Adhi Kant Mishra S/o Sri Achchutanand Mishra R/o village- Murli, P.S.- Kishanpur, District- Supaul.
2. Girdhari Kumar Mishra @ Girdhari Mishra S/o Indra Kant Mishra R/o village- Murli, P.S.- Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend their arrest in connection with Kishanpur P.S. Case No.158 of 2020, registered for the offences punishable under Sections 341, 323, 324, 447, 448, 307, 354(B), 379, 504, 325, 506 and 34 of the Indian Penal Code.

Petitioner No.1, Adhikant Mishra is said to have brutally assaulted the informant by means of spade causing injuries on his head, right wrist, nose, back and left arm. When the informant entered into his house in order to save himself, the petitioners and other co-accused persons also entered into the house of the informant variously armed with *bhala*, *farsa*, spade



and iron rod and they all started assaulting the family members of the informant including the old, female members and children of the family. Petitioner No.2, Girdhari Mishra is said to have assaulted Arhul Devi by means of *farsa* on her head.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. It is also submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that there is case and counter case between the parties and both sides sustained injuries. It is further submitted that there is admitted land dispute between the parties. It is submitted that though the injuries are said to be grievous in nature, but the petitioners have filed a petition before the District Magistrate, Supaul for re-examination of the injuries. The Civil Surgeon, Supaul has constituted a Medical Board and also given letter to the S.H.O. of Kishanpur P.S. regarding re-examination of the injured persons but none appeared before the Medical Board.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

Taking into consideration the facts aforesaid, let 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 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 learned Chief Judicial Magistrate, Supaul in connection with Kishanpur P.S. Case No.158 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J.)

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