

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24270 of 2023

Arising Out of PS. Case No.-151 Year-2022 Thana- PIRPAINTI District- Bhagalpur

1. SUGNI DEVI @ SUNANI DEVI W/O PREM MUSHAR Resident of Village- Babupur, P.S.- Pirpainti (Bakharpur O.P), District- Bhagalpur.
2. PREM MUSHAR S/O LATE ISHWAR MUSHAR Resident of Village- Babupur, P.S.- Pirpainti (Bakharpur O.P), District- Bhagalpur.
3. TUNTUN MUSHAR @ PUNPUN MUSHAR S/O PREM MUSHAR Resident of Village- Babupur, P.S.- Pirpainti (Bakharpur O.P), District- Bhagalpur.
4. NANDU MUSHAR S/O PREM MUSHAR Resident of Village- Babupur, P.S.- Pirpainti (Bakharpur O.P), District- Bhagalpur.
5. RANJEET MUSHAR S/O PREM MUSHAR Resident of Village- Babupur, P.S.- Pirpainti (Bakharpur O.P), District- Bhagalpur.
6. SHOLJAR MUSHAR S/O PREM MUSHAR Resident of Village- Babupur, P.S.- Pirpainti (Bakharpur O.P), District- Bhagalpur.
7. RAMJI MUSHAR S/O SOBNI MUSHAR Resident of Village- Babupur, P.S.- Pirpainti (Bakharpur O.P), District- Bhagalpur.
8. RAVINDRA MUSHAR S/O SOBHI MUSHAR Resident of Village- Babupur, P.S.- Pirpainti (Bakharpur O.P), District- Bhagalpur.
9. RAJA MUSHAR S/O LATE RAVI MUSHAR Resident of Village- Babupur, P.S.- Pirpainti (Bakharpur O.P), District- Bhagalpur.
10. MOSTT. LILWA @ LILWA W/O LATE SUNDAR MUSHAR Resident of Village- Babupur, P.S.- Pirpainti (Bakharpur O.P), District- Bhagalpur.
11. BIJAY MUSHAR @ BIJAY KUMAR S/O BIRLA MUSHAR Resident of Village- Babupur, P.S.- Pirpainti (Bakharpur O.P), District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 17-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Vide order dated 01.05.2023, this application has been
dismissed as withdrawn in respect of petitioner no.3, namely,



Tuntun Mushar @ Punpun Mushar, as he had already been apprehended by the police during pendency of this application.

3. Now, this application survives for rest of the petitioners.

4. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 342, 323, 325, 324, 307, 379, 504, 506 of the Indian Penal Code.

5. Allegedly, after some altercation, all the accused persons named in the FIR including these petitioners assaulted the informant with lathi-danda and *Haswa*. On instigation of Laxman Yadav, one Ajay Roy pulled country made pistol from him waist and hit on the informant's head with intention to kill him, as a result of which the butt of pistol hit on the right side of the informant's eye causing him jaw injury.

6. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is specific allegation against co-accused Ajay Roy. There is land



dispute between the parties. There is case and counter case between the parties. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

7. Learned APP for the State opposed the prayer for bail.

8. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Pirpainti (Bakharpur) P.S. Case No. 151 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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