

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10049 of 2023

Arising Out of PS. Case No.-442 Year-2022 Thana- PARBATTa District- Khagaria

BALRAM MISHRA S/O Late Kapildeo Mishra R/O Village- Dumariya, P.S-
Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar
For the Opposite Party/s	:	Mr.Pranav Kumar
For the informant	:	Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-05-2023 Heard learned Counsel for the petitioner, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Parbatta Police Station Case No. 442 of 2022, dated
10.10.2022, disclosing offences under Sections 341/323/325/
307/506/34 of the Indian Penal Code and Section 27 of the
Arms Act

The prosecution case, as per the First Information
Report, is that while the informant was returning home, he was
surrounded by all the accused persons, six in number, including
the petitioner and they assaulted the informant by means of
lathi, danda, rod etc., and it has further been alleged that when



the informant started fleeing away, co-accused Bidhan Chandra Mishra and Dhananjay Mishra opened fired upon him, which hit him near the left hand.

Learned Counsel for the petitioner submits that from perusal of the First Information Report, it would be evident that there was admitted land dispute between the parties. He further submits that the allegation against the petitioner and other co-accused persons is general and omnibus in nature and the only specific allegation against co-accused Bidhan Chandra Mishra and Dhananjay Mishra is that they fired upon the informant, which hit the informant near his left hand.

On the other hand, learned Counsel for the informant vehemently opposes the payer for bail and submits that the petitioner is named in the First Information Report and he along with other co-accused persons assaulted the informant with intention to kill him and the firing was also made by co-accused persons upon the informant, due to which he sustained fire arm injury.

Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that there is land dispute between the parties, the allegation against the petitioner is general and omnibus in nature and the firing



was made by other co-accused persons and not by this petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Khagaria, in connection with Parbatta Police Station Case No. 442 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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