

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19083 of 2023

Arising Out of PS. Case No.-883 Year-2022 Thana- BRAHMPUR District- Buxar

1. SURENDRA MISHRA Son of Vishwanath Mishra R/V- Dhevani, P.S-Brahmpur, dist- Buxar
2. Krishna Kumar Mishra Son of Vishwanath Mishra R/V- Dhevani, P.S-Brahmpur, dist- Buxar
3. Kunal Mishra @ Kunal Kumar Mishra Son of Surendra Mishra R/V- Dhevani, P.S-Brahmpur, dist- Buxar

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party.

Appearance :

For the Petitioner/s : Mr. Satyapal Singh
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307, 354A, 379 & 504 of the Indian Penal Code.

While the informant was in her house, all the F.I.R. named accused including these petitioners armed with rod, Kulhari, sword and illegal weapons are said to have entered into her house assaulted and abused her and her family members.

It is submitted by learned counsel for the



petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. Except petitioner no.2, the allegation levelled against the other petitioners is not specific rather general and omnibus in nature. Both sides have filed cases against each other. Except one injury, the injury sustained by the victim is simple in nature. Except petitioner no.3, petitioner nos.1 & 2 have one criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case as the injuries caused by petitioner nos.1 and 3 are simple in nature, let the above named petitioner nos.1 and 3, be released on bail, in the event of his 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 Court below where the case is pending/successor Court in connection with Brahmpur P.S. Case No. 883 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Considering the facts and circumstances of case as



well as the fact that injury caused by petitioner no.2 is grievous in nature, I am not inclined to enlarge petitioner no.2 on anticipatory bail. The prayer for anticipatory bail of petitioner no.2 is hereby rejected.

However, if petitioner no.2 surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order in accordance with law without being prejudiced by this order.

Accordingly, this application stands disposed of.

(Anjani Kumar Sharan, J)

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