

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29414 of 2023

Arising Out of PS. Case No.-433 Year-2021 Thana- BHORE District- Gopalganj

1. Nitish Mishra @ Nitish Kumar Mishra @ Nitish Mishra Son Of Shashibhushan Mishra @ Shashi Mishra Resident Of Village-Dighwa, Police Station-Bhorey, District-Gopalganj
2. Shashibhushan Mishra @ Shashi Mishra Son Of Kripashankar Mishra @ Kripa Mishra Resident Of Village-Dighwa, Police Station-Bhorey, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 307, 379, 504 and 506 of the Indian Penal Code.

3. The petitioner along with other co-accused persons assaulted the informant by means of butt of pistol.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that there is no specific overt act against the petitioners. There is



admitted land dispute between the parties. He further submits that the medical report also does not support the case of the prosecution. Although the nature of the injury has been shown as grievous, but injury stated by doctor does not appear to be grievous injury. Petitioner no. 1 has no criminal antecedent and petitioner no. 2 has four criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State opposes prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case, 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 Bhorey P.S. Case No.433 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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