

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48685 of 2023

Arising Out of PS. Case No.-100 Year-2021 Thana- IMAMGANJ District- Gaya

1. VINAY MISTRI, aged about 34 years, (M), Son of Late Nanku Mistri
2. DINESH MISTRI, aged about 50 years, (M), Son of Nanku Mistri
3. AWADHESH MISTRI, aged about 37 years, (M), Son of Baidhnath Mistri
4. UDESH KUMAR @ UDESH MISTRI, aged about 36 years, (M), Son of Baidhnath Mistri
5. KAMLESH MISTRI @ RAVI KUMAR, aged about 22 years, (M), Son of Dinesh Mistri, All are reesident of Village - Dubhal, P.S.-Imamganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-08-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. Petitioners seek regular bail in connection with Imamganj P.S. Case No. 100 of 2021 dated 10.06.2021 registered for the offence(s) punishable under Section(s) 147,148,149,341,323,324,325,307,504,506 of the Indian Penal Code and subsequently Section 302 of the IPC was added.

3. The main submissions advanced by the learned counsel for the petitioners are that nine persons including the petitioners have been named in the FIR, against any of them



there is no specific allegation and the allegation of assaulting the victim is general and omnibus against them, out of the named co-accused persons, two co-accused persons, namely, Baijnath Mistri and Shrawan Mistri, carrying similar nature of allegation, have been granted bail by a co-ordinate Bench of this Court vide Annexure 4. Further submissions are that in between both the parties, there is a land dispute and Imamganj P.S. Case No.101 of 2021 was lodged on behalf of petitioners' side against the prosecution party regarding the incident of same date which was lodged under Section 307 and other offences of IPC and some persons from petitioners' side also sustained injury in the occurrence and if the allegations made in both the FIRs are taken into account then an incident of free fight appears to have taken place in between both the parties. Further submissions are that petitioners have fair and clean antecedent and petitioner nos.1, 3 and 4 have been languishing in jail since 08.06.2023 whereas petitioner no.2 has been languishing in jail since 09.06.2023.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the facts that there is no specific allegation against any of the



petitioners and two co-accused persons, as mentioned-above, carrying similar nature of allegation, are on bail and there is a case and counter case in between both the parties, and petitioners have fair and clean antecedent, in my opinion, in the said circumstances, the petitioners deserve to the privilege of bail. Accordingly, let the petitioners named-above be enlarged on bail in connection with Imamganj P.S. Case No. 100 of 2021 on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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