

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55091 of 2023

Arising Out of PS. Case No.-199 Year-2023 Thana- LALGANJ District- Vaishali

1. RAM PRAVESH MISHRA SON OF LATE THAKUR MISHRA
RESIDENT OF VILLAGE - SIRSA BIRAN, P.S. - LALGANJ, DISTRICT -
VAISHALI
2. DEVPUJAN MISHRA SON OF LATE MUNI MISHRA RESIDENT OF
VILLAGE - SIRSA BIRAN, P.S. - LALGANJ, DISTRICT - VAISHALI
3. PAWAN MISHRA @ PAWAN KUMAR SON OF RAM PRAVESH
MISHRA RESIDENT OF VILLAGE - SIRSA BIRAN, P.S. - LALGANJ,
DISTRICT - VAISHALI
4. GUDDU MISHRA @ PRAVEEN MISHRA @ PRAVEEN KUMAR SON
OF RAM PRAVESH MISHRA RESIDENT OF VILLAGE - SIRSA
BIRAN, P.S. - LALGANJ, DISTRICT - VAISHALI
5. RAM KUMAR MISHRA SON OF DEV PUJAN MISHRA RESIDENT OF
VILLAGE - SIRSA BIRAN, P.S. - LALGANJ, DISTRICT - VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.
For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-08-2023 At the very outset, learned counsel for the

petitioners submits that petitioner no.4, namely, Guddu Mishra

@ Praveen Mishra @ Praveen Kumar has been arrested.

Accordingly, he seeks permission to withdraw the anticipatory

bail application insofar as petitioner no.4 is concerned inasmuch

as the same has become infructuous.

2. Permission stands allowed.

3. The anticipatory bail application regarding



petitioner no.4 is dismissed as withdrawn being infructuous.

4. Heard Mr. Rajesh Kumar, learned counsel for the petitioners and Mr. Mohammad Arif, learned Additional Public Prosecutor for the State.

5. Petitioners apprehend their arrest in connection with Lalganj PS Case No. 199/2023 dated 14.05.2023 registered for the offence punishable under Sections 341/323/324/447/307/504/506/354/379/34 of the IPC.

6. As per FIR, on 14.05.2019 while *Panchayati* was going on in order to settle the dispute regarding passage, it has been alleged that the petitioner along with ten accused persons assaulted the informant and his wife. Petitioner no. 3 has allegedly assaulted the informant by means of sickle and petitioner no. 1, 2 and 5 along with other accused persons assaulted the informant and his wife by means of Lathi/Danda.

7. Learned counsel for the petitioners submits that both the parties are co-sharers and the occurrence has taken place due to land dispute which would be evident from the FIR itself. Referring to Annexures-2 and 3 which are injury reports of the informant and his wife, learned counsel further submits that the injury caused to the informant and his wife is simple in nature due to hard and blunt substance. The allegation of assault



against petitioner no.3 is that he assaulted by means of sickle which is sharp cutting weapon. Petitioners have got no criminal antecedents.

8. Regards being had to the submissions made by the parties, taking into consideration that both the parties are co-sharers and the injury caused to the informant and his wife is simple in nature, I am inclined to grant anticipatory bail to the petitioners.

9. Accordingly, let the petitioners, namely, 1. **RAM PRAVESH MISHRA**, 2. **DEVPUJAN MISHRA**, 3. **PAWAN MISHRA @ PAWAN KUMAR**, 4. **RAM KUMAR MISHRA**, in the event of arrest or surrender within six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Sunil Kumar Tripathi, Sub-Judge-IIIrd-cum-Additional Chief Judicial Magistrate 2nd, Vaishali at Hajipur in connection with Lalganj PS Case No. 199/2023, subject to the condition as laid down under Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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