

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54790 of 2022

Arising Out of PS. Case No.-167 Year-2022 Thana- BAKHTIARPUR District- Saharsa

1. Kanhaiya Mishra @ Raja Kumar Mishra Son Of Bhushan Mishra R/O Village- Khajuri, Ward No.12, P.S.- Simri Bakhtiyarpur (BALWAHAT O.P.), District- Saharsa
2. Bikash Mishra @ Bikash Kumar Mishra @ Vikash Mishra Son Of Shankar Mishra R/O Village- Khajuri, Ward No.12, P.S.- Simri Bakhtiyarpur (BALWAHAT O.P.), District- Saharsa
3. Sohan Mishra @ Lattar Mishra Son Of Udit Mishra R/O Village- Khajuri, Ward No.12, P.S.- Simri Bakhtiyarpur (BALWAHAT O.P.), District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanchan Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioners are apprehending arrest in
connection with Bakhtiyarpur P.S. Case No. 167 of 2022 under
sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian
Penal Code.

As per the prosecution story, the informant alleged
that his neighbour, the accused persons came to his ancestral
land and started abusing him. When he protested, they started



assaulting him and in the process, allegation against Vikash Mishra is of assaulting by 'lathi' on his head while Kanhaiya Mishra gave knife blow which hit his left elbow. As he tried to escape, the allegation is of snatching Rs. 2500/- from his pocket.

Learned counsel for the petitioners submit that stab wound to Manash Mishra was earlier recorded as dangerous to life and subsequent to six months later, a Medical Board opined differently.

The learned APP on the other hand submits that immediately after the occurrence, Manash Mishra was examined and as per the Doctor report, the injury caused by knife blow was dangerous to life and in that backdrop, creator of the said attack namely Kanhaiya Mishra does not deserve anticipatory bail.

Taking into account the fact that there is specific allegation against Kanhaiya Mishra (petitioner no.1) of inflicting knife blow which according to the Doctor, Sadar Hospital, Saharsa was recorded as dangerous to life, this Court is not inclined to extend him the benefit of anticipatory bail which is accordingly rejected.

So far as, the petitioner no.2 Bikash Mishra @ Bikash Kumar Mishra @ Vikash Mishra is concerned, although



there is allegation of causing injury on his head, the injury report does not make any statement on it.

Further, so far as the petitioner no.3 Sohan Mishra @ Lattar Mishra is concerned, there is omnibus allegation against him. Thus, in the aforesaid backdrop, this Court is inclined to grant them the privilege of anticipatory bail as both of them do not have any criminal antecedents.

Let the petitioner no.2 Bikash Mishra @ Bikash Kumar Mishra @ Vikash Mishra and petitioner no.3 Sohan Mishra @ Lattar Mishra be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Bakhtiyarpur P.S. Case No. 167 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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