

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57576 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- JALE District- Darbhanga

1. Archna Mishra @ Kum Kum Mishra, Wife Of Pravesh Mishra Resident Of Vilalge- Bihari, Ward No 4, Ps- Jale, District- Darbhanga
2. Khushi Mishra @ Anu Mishra @ Annu Mishra, Daughter Of Pravesh Mishra Resident Of Vilalge- Bihari, Ward No 4, Ps- Jale, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajkumar Rajesh, Advocate
For the State	:	Mr. Ramchandra Sahni, APP
For the Informant	:	Mr. Krishna Mohan Mishra, Advocate Mr. Prasoon Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-10-2023 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

2. In this present case, the petitioners are apprehending their arrest in connection with Jale P.S. Case No. 50 of 2023, registered for the offences under Sections 302, 307/34 of the Indian Penal Code.

3. As per prosecution case, petitioners and other co-accused persons in the background of earlier land dispute were hurling abuses against the informant and his family members and in course of quarrel, co-accused Atul Mishra stabbed the son of the informant with knife. The assailants also attacked the



informant and his family members. The son of the informant was declared brought dead at the hospital where he was taken for treatment.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioners are ladies and there is no specific allegation against them for any overt act. They have been made accused in this case as they are family members of co-accused Atul Mishra who stabbed the son of the informant. Admittedly there is land dispute between the parties and for this reason the instant case has been lodged against the petitioners and others.

5. Learned APP as well as learned counsel appearing on behalf of the informant oppose the submissions made on behalf of the petitioners. Learned counsel for the informant submits that the petitioners were present at the place of occurrence and there is allegation that they also assaulted the informant. However, learned counsel concedes that there is no allegation of stabbing the deceased against the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioners are ladies and no specific allegation has levelled against the petitioners for assault against any person and further considering the possibility of false implication, let



the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Darbhanga/concerned court in connection with Jale P.S. Case No. 50 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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