

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59824 of 2023

Arising Out of PS. Case No.-227 Year-2022 Thana- GORIAKOTHI District- Siwan

1. Guddi Devi, W/O- Pradeep Mishra, R/O Village- Khagni, P.S.- Goreakothi, Dist- Siwan.
2. Raj Ballam Mishra, S/o- Late Vishwanath Mishra, R/O Village- Khagni, P.S.- Goreakothi, Dist- Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Javed Aslam, Advocate
For the Opposite Party : Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-09-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Goreyakothi P.S. Case No. 227 of 2022 dated 23.10.2022 registered for the offences punishable under Sections 341, 323, 324, 307, 302, 504 and 506/34 of the Indian Penal Code.

4. As per the prosecution case, on 23.10.2022 at about 20.00 O'clock, when the informant was returning to his house



from Mustafabad Market and as soon as, he reached near the house of Lalji Mishra, heard some hullah, upon which, he went there and saw that the co-accused persons Sumit Mishra, Lalji Mishra, Lav Mishra, Maheshwar Mishra, Ashok Mishra, Alka Devi, Guddi Devi (petitioner no. 1), Ranjit Mishra and Rajbalam Mishra (petitioner no. 2) were abusing and assaulting the informant's brother, Santosh Mishra and father Kameshwar Mishra with Lathi, Bhala, sword, farsa and the co-accused Lalji Mishra, Maheshwar Mishra and Ashok Mishra ordered to kill them. It is further alleged that the co-accused Sumit Mishra gave sword blow on the chest of the informant's brother, Santosh Mishra, as a result of which, he fell on the ground and all the accused persons assaulted the informant's father by means of sword. It is further alleged that Santosh Mishra died due to sword blow.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the petitioners. The specific allegation of assault is alleged against the co-accused, Sumit Mishra. The petitioners have been made accused in one case bearing Goreyakothi P.S. Case No. 156 of 2022 in which they were granted bail.



6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Siwan in connection with Goreyakothi P.S. Case No. 227/2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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