

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69829 of 2022

Arising Out of PS. Case No.-286 Year-2020 Thana- BENIPATTI District- Madhubani

BIJENDRA MISHRA @ DABLU MISHRA S/o Navo Narayan Mishra R/o
Village- Pali Uttarwari Tola, P.S.- Benipatti, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Yashraj Bardhan, Adv.
		Mr. Abhishek Kumar Srivastava, Adv.
For the Opposite Party/s :		Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-05-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Benipatti P.S. Case No. 286 of 2020, registered for the offence punishable under Section 147, 148, 149, 323, 341, 324, 326, 307, 354(b), 504, 34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner herein having objected to the work of construction of road being carried out at the place in question under the Sampark Nischay Yojna from the funds of the local MLA, leading to an altercation in between the accused persons and one Sudhir Sahni. It has further been alleged by the informant, namely, Shivji Sahni, that the accused persons, namely,



Baidyanath Mishra and Suryakant Mishra as also the petitioner herein had assaulted Sudhir Sahni resulting in him sustaining injuries.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the complaint in question was filed after lapse of 25 days of the alleged incident, whereafter it was referred to the police under Section 156(3) of the Cr.P.C., leading to registration of the present case. The learned counsel for the petitioner has further submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a coordinate Bench of this Court, vide order dated 24.5.2022, passed in Criminal Miscellaneous No. 35794 of 2021.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted



the privilege of anticipatory bail, apart from the fact that the present case arises out of case and counter case, the connected complaint is stated to have been filed after delay of 25 days and the present incident has taken place on account of land dispute, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Benipati, Madhubani in connection with Benipatti P.S.Case No. 286 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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