

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73334 of 2022

Arising Out of PS. Case No.-410 Year-2022 Thana- CHANPATIA District- West Champaran

1. Paltan Mishra @ Osiyar Mishra, Son of Rambachchan Mishra, R/v- Lagunaha Bairagani, P.S.- Chanpatia, District- West Champaran
2. Pappu Kumar @ Pammu Kumar, Son of Pramod Mishra, R/v- Lagunaha Bairagani, P.S.- Chanpatia, District- West Champaran
3. Happy Kumar, Son of Pramod Mishra, R/v- Lagunaha Bairagani, P.S.- Chanpatia, District- West Champaran
4. Neeta Devi, Wife of Pramod Mishra, R/v- Lagunaha Bairagani, P.S.- Chanpatia, District- West Champaran
5. Vindhyachal Mishra, Son of Late Rambachchan Mishra, R/v- Lagunaha Bairagani, P.S.- Chanpatia, District- West Champaran
6. Anor Mishra @ Anwar Mishra, Son of Late Ram Jatan Mishra, R/v- Lagunaha Bairagani, P.S.- Chanpatia, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra
For the Opposite Party/s : Ms. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-04-2023 Heard learned counsels for the petitioners and the State.

Petitioners apprehend arrest in a case registered for the offences punishable under Sections 147, 148, 323, 420, 406, 467, 468, 469, 470, 471/34 of the Indian Penal Code.

It is alleged that co-accused Pramod Mishra executed sale deed in his favour as well as in favour of the brother of the complainant namely Md. Muslim in the year 1994. It is further alleged that on 01.07.2022, while the complainant was planting paddy crops, all the accused persons came obstructed the tractor and assaulted the complainant.



Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Petitioners are neither vendor nor vendee nor witnesses of the alleged sale deed. Petitioner No. 4 namely Neeta Devi is wife of Pramod Mishra and her husband gifted the property in question to her which was his self acquired property and as such, she cannot be alleged to have committed any offence. Allegation of assault against the petitioners is general and omnibus. Petitioners claim clean antecedent.

Considering the nature of dispute and clean antecedent, let the above named petitioners in the event of their arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, West Champaran, Bettiah in Chanpatia P. S. Case No. 410 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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