

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71561 of 2023

Arising Out of PS. Case No.-533 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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1. Raju Mishra @ Satyendra Narayan Mishra Son Of Late Nunidra Mishra
Resident Of Village- Noon Farwa, P.S.- Patahi, District- East Champaran
 2. Mokhtar Miya Son Of Late Sainullah Miya Resident Of Village- Laxmipur,
Kourihar, P.S.- Raxaul, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 28-11-2023 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 a
case in connection with Motihari Town P.S. Case No. 533 of
2023 dated 01.08.2023 registered for the offences punishable
u/ss 447, 341, 323, 324, 307, 384, 427, 504, 506, 120B read
with section 34 of the Indian Penal Code and section 27 of the
Arms Act.

4. As per the prosecution case, the petitioners and the



co-accused persons along with 100 unknown miscreants forming unlawful assembly arrived at the place of occurrence. Having been armed with weapons, accused persons started firing upon the exhortation of the co-accused Iftekhar Ahmad. Thereafter, the accused persons namely, Osama, Saiyad Sadayan and others started firing upon the informant indiscriminately. It is further alleged that the petitioner no. 2 assaulted one Gopi Rai on his head with *Katar* causing head injury and the other co-accused also assaulted him. It is further alleged that the co-accused persons damaged the properties of the informant and threatened to kill him and they also demanded Rs. 1 crore as *Rangdari*.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Learned counsel has further submitted that the injured Gopi Rai sustained lacerated wound injury which is simple in nature caused by hard and blunt substance. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the bail petition 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 bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, East Champaran, Motihari in connection with Motihari Town P.S. Case No. 533 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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