

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72389 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- GUTHANI District- Siwan

1. PARAS MISHRA Son of Raghubansh Mishra Resident of Village - Chakiya, P.S.- Guthani, District - Siwan.
2. Arvind Mishra Son of Paras Mishra Resident of Village - Chakiya, P.S.- Guthani, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 04-03-2023 Heard the learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in connection with Guthni P.S. Case No. 74 of 2022 registered for the offence under Sections 147, 148, 149, 323, 324, 307, 302, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

Six persons are named in the FIR who are said to have assaulted the deceased in which the deceased sustained serious injuries.

It has been contended by learned counsel for the petitioners that there is general and omnibus allegations against the petitioners and the occurrence is said to have taken place



because of the land dispute. It has further been contended that from reading of the FIR it seems that occurrence took place on account of grave and sudden provocation and therefore, no offence under Section 302 is made-out.

Learned counsel for the informant submits that the deceased was killed by the petitioners and other accused persons due to land dispute and they all are said to have assaulted the deceased.

Learned counsel for the informant also relies upon an order of this Court by which the prayer of other co-accused has been dismissed and the allegations against these petitioners is also similar in nature and therefore, the petitioners do not deserve bail.

I have considered the submissions of the parties.

From reading of the FIR, it appears that the occurrence took place due to sudden provocation and it was not a planned occurrence.

In view of the aforesaid facts and circumstances, this application is allowed.

Let the petitioners, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each



to the satisfaction of the learned Chief Judicial Magistrate,
Siwan in connection with Guthni P.S. Case No. 74 of 2022.

As a condition of this order, the petitioner should cooperate in the proceeding of the Court below and will appear regularly in the Court below personally or through their advocate. If the petitioners try to delay the trial, the Court below is at liberty to pass an appropriate order including the cancellation of bail bonds of the petitioner.

The petitioners will mark their presence in Guthni Police Station, Dist- Siwan on first Sunday of each month. Any default in appearance at the Police Station would result in cancellation of bail bond of the petitioners.

(Sandeep Kumar, J)

Vikas/Shishir

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