

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80454 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- KARPURIGRAM District- Samastipur

1. MUNINDRA MISHRA S/O LATE JANAK LAL MISHRA R/O VILLAGE-TAJPUR, RATANPUR, P.S- KARPURIGRAM, DISTT.- SAMASTIPUR.
2. KANHAIYA KUMAR MISHRA S/O MAHA KANT MISHRA R/O VILLAGE- BHATGAWA, P.S- DALSINGHSARAI, DISTT.- SAMASTIPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Om Prakash Upadhyay, Adv.
For the Opposite Party/s :	Mr.Nand Kumar, APP.
	Mr. Arvnendra Kumar Thakur, Adv.
	Ms. Sukriti Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-12-2023 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506, 34 of the Indian Penal Code.

3. Petitioner no.2 along with other accused persons is said to have assaulted the informant with lathi and other weapons, whereas petitioner no.1 took away Rs. 1500/- from his pocket.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to



ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. There is admitted land dispute between the parties. Petitioners have criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that there is serious allegation against petitioner no.2 and other accused persons to assault the informant due to which he sustained grievous injury. He further submits that petitioners have suppressed their criminal antecedent. Hence, they do not deserve the privilege of anticipatory bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against petitioner no.1, let the above named petitioner no.1, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Karpoorigram P.S. Case No. 42 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. The learned Court below is directed to verify the



criminal antecedent of petitioner no.1 before accepting the bail bond. If it is found that the petitioner no.1 is involved in any other case prior to the present case, other than the cases mentioned in para-3 of the bail application, then his bail bond shall not be accepted.

8. As there is serious allegation against petitioner no.2, I am not inclined to enlarge the petitioner no.2 on bail. The prayer for bail of the petitioner no.2 is hereby rejected.

9. However, if the petitioner no.2 surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

10. Accordingly, this application stands partly allowed.

(Anjani Kumar Sharan, J)

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