

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14268 of 2024

Arising Out of PS. Case No.-386 Year-2023 Thana- LAXMIPUR District- Jamui

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1. Baban Mishra S/o Late Tej Narayan Mishra R/o vill - Karnpur, P.S. - Laxmipur, Distt. - Jamui.
 2. Bhupendra Mishra @ Bupendar Mishra S/o Late Tej Narayan Mishra R/o vill - Karnpur, P.S. - Laxmipur, Distt. - Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-03-2024 Heard Mr. Umesh Prasad, learned counsel appearing on behalf of the petitioners and Mr. Ajit Kumar, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Laxmipur P.S. Case No. 386 of 2023 registered under Sections 341, 323, 324, 307, 379 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the specific allegation against the petitioner no.1 is that of assaulting the informant on his hand and when the informant's son tried to save him, the petitioner no.2 had assaulted on the head of the informant with an intention to kill, which caused head injury to



him.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case due to land dispute. Learned counsel further submits that there is case and counter case between the parties.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submission made on behalf of the parties, as well as, considering the nature of allegation made in the FIR, I am of the opinion that petitioner no.1 has, prima facie, made out a case to be released on pre-arrest bail. The District Court is directed to release the petitioner no.1 on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate-IIInd, Jamui in connection with Laxmipur P.S. Case No. 386 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. So far as, petitioner no.2 is concerned, considering the nature of allegation made against him, I am not inclined to



grant bail to him. However, petitioner no.2, if so advised, may surrender before the District Court and seek for regular bail. The District Court is directed to pass an order on the basis of material available on record on the same day, in accordance with law.

8. With the aforesaid direction, the present bail petition stands disposed of.

9. The District Court is directed to verify the criminal antecedent of the petitioners, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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