

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32018 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- BHAIKAVSHTHAN District- Madhubani

1. DAYANIDHI MISHRA SON OF LATE ARJUN MISHRA RESIDENT OF VILLAGE - LAXMIPUR, RAIYAM, P.S. - BHAIKABASTHAN, DISTRICT - MADHUBANI
2. ABDHESH KUMAR MISHRA SON OF SRI BALBHADRA MISHRA RESIDENT OF VILLAGE - LAXMIPUR, RAIYAM, P.S. - BHAIKABASTHAN, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binodanand Mishra, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-07-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 353, 379 and 504/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case and petitioner no. 2 is a person with clean antecedent and the informant alleges that Hareram Mishra on 11.01.2024 called the informant and inquired about the construction of the bridge, on which the informant informed that proposal has been sent to the higher authorities. Thereafter, petitioner no. 1 took the phone of the



informant and threatened him that till bridge is not constructed all works relating to the canal should remain suspended. Thereafter, on the same day, in the evening the informant was informed that the petitioners have taken the driver of JCB along with Khalasi in the canal and are trying to drown them and have also assaulted, thus, created obstruction in discharge of official duty.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that the FIR has not been instituted by the driver or the khalasi, though it is alleged that they were assaulted. It is next submitted that though there is allegation of assault but then there is no injury as such Section 307 of the Indian Penal Code is not attracted. It is also submitted that villagers were agitating as they were not able to reach their agricultural land on account of the fact that a bridge was to be constructed as such they were agitating that a culvert be constructed earlier so that they can go on their land for doing agriculture. It is further submitted that during the said agitation, an altercation had taken but then no one was assaulted.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bhairabasthan P.S. Case No. 04 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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