

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48458 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- KUDHNI District- Kaimur (Bhabua)

1. Arun Mishra @ Arun Kumar Mishra son of Late Harihar Mishra Village- Mahila Ps- Kudhani Dist- Kaimur at Bhabua
2. Vishru Kant Mishra @ Golu Mishra son of Arun Mishra Village- Mahila Ps- Kudhani Dist- Kaimur at Bhabua
3. Solu Mishra @ Ravi Shankar Mishra son of Arun Mishra Village- Mahila Ps- Kudhani Dist- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuwan Narayan, Adv.
For the State	:	Mr. Md. Mushtaque Alam, APP
For the Informant	:	Mr. Kumar Sunil, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2024 At the outset, learned counsel for the petitioners submit that during pendency of this application, petitioner no. 2 namely, Vishnu Kant Mishra @ Golu Mishra has died and such the anticipatory bail application with regard to petitioner no. 2 is stands **dismissed**.

2. So far as, petitioner nos. 1, namely Arun Mishra @ Arun Kumar Mishra and 3 namely, Solu Mishra @ Ravi Shankar Mishra are concerned, heard the parties.

3. The petitioners apprehend their arrest in connection with Kudhni P.S. Case No. 09 of 2024 for the offence registered under sections 147, 148, 149, 307, 323, 325, 341, 354, 427, 504,



596 of the Indian Penal Code lodged on 14.05.2024 by the informant, Amit Mishra.

4. As per the prosecution story, the informant alleged that both are agnates and on that particular day, at the instance of the accused persons, while the petitioner no. 1 was assaulting his family members including the sons and gave blow on the head on the informant as also his brother causing injury and they became unconscious. As the wife of Mithlesh Mishra came to rescue, allegation is that the lady inmates also assaulted and outrage the modesty. This followed the F.I.R.

5. Learned Counsel for the petitioners submits that there is omnibus allegation of assault against the petitioner nos. 1 and 3.

6. On the other hand, learned counsel for the informant has taken this Court to the FIR to show that there is allegation of assaulting on the head against the petitioner no. 3.

7. Taking into account the allegation that has come in the FIR as also the submissions put forward by the parties, so far as the anticipatory bail application with regard to petitioner no. 3, namely, Solu Mishra @ Ravi Shankar Mishra is concerned, the same is **rejected**.



8. So far as, petitioner no. 1, namely, Arun Mishra @ Arun Kumar Mishra is concerned, allegation is of order giver and flashing the revolver but there is no allegation of assault attributed against him and also the fact that petitioner no. 1 is aged about 62 years.

9. Let the **petitioner no. 1, namely, Arun Mishra @ Arun Kumar Mishra** in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., 1st, Mohania, Kaimur at Bhabua in connection with Kudhani P.S. Case No. 9 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner no. 1, namely, Arun Mishra @ Arun Kumar Mishra, who shall provide official document to show his *bona fide*;

(ii) the petitioner no. 1, namely, Arun Mishra @ Arun Kumar Mishra shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond



by the Trial court itself;

(iii) the petitioner no. 1, namely, Arun Mishra @ Arun Kumar Mishra shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner no. 1, namely, Arun Mishra @ Arun Kumar Mishra shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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