

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57443 of 2024

Arising Out of PS. Case No.-145 Year-2024 Thana- ADAPUR District- East Champaran

1. Arvind Mishra @ Arvind Kumar Mishra Son of Late Jaiprakash Mishra @ Jay Prakash Narayan Mishra R/O Vill.- Barwadih, P.S.- Adapur, Dist.- East Champaran
2. Rinki Devi Wife of Arvind Mishra @ Arvind Kumar Mishra R/O Vill.- Barwadih, P.S.- Adapur, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate
For the Opposite Party/s : Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Adapur P.S. Case No. 145 of 2024 dated 28.04.2024, instituted for the offence punishable under Sections 447, 448, 323, 324, 325, 307, 354, 379, 34 of the Indian Penal Code.

3. The prosecution case, in short, is that on 28.04.2024 at about 06:15 am, when the informant was at his door then the petitioners along with other co-accused came there and Arun Mishra assaulted the informant with deadly weapon, due to which he received injury on his head. When the informant's family members came to save him then they were



also assaulted by the accused persons. It is further alleged that accused persons looted Rs. 1,50,000/- and a gold chain from the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioner no. 1 is the full brother of co-accused Arun Mishra and petitioner no. 2 is the wife of petitioner no. 1. It is further submitted that there is no specific allegation against the petitioners rather the specific allegation is against co-accused Arun Mishra of assaulting with sharp edged weapon on the head of the informant. It is next submitted that there is a case and counter case between the parties. Counter case has been lodged by Anuradha Mishra (bhabhi of petitioner no. 1) vide Adapur P.S. Case No. 146 of 2024 dated 29.04.2024 for the offences punishable under Sections 341, 323, 324, 354, 379, 504, 509/34 of the Indian Penal Code against informant and his family members. Lastly, it has been submitted that the petitioner no. 1 has one criminal case against him whereas petitioner no. 2 has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Adapur P.S. Case No. 145 of 2024, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, East Champaran at Motihari, Bihar, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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