

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61366 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- GHATHO District- Samastipur

Baleshwar Mishra @ Balshwar Mishra Son of Late Lala Mishra R/O Vill.-
Bahadurpur Amarauli, P.S.- Ghataho, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-10-2024 1. Heard learned counsel for the petitioner, Mr. Rabindra Kumar learned A.P.P. for the State and learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 149, 341, 342, 323, 324, 325, 379, 307, 504 and 506 of the Indian Penal Code as well as Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is aged about 75 years.

4. The informant alleges that on 10.06.2024 the petitioner along with named accused persons came to his shop and started looting and firing in the air and assaulted his father by an iron rod causing injury. Further, Munnu Kumar Mishra took out Rs.60,000/- to Rs. 65,000/- from the cash box. It is



further alleged that Munnu and Saurabh Kumar Chaudhary were firing while Ram Babu, Gaurav and Govind were assaulting the father of the informant by an iron rod causing injury on the head and fracture of the right leg. It is next alleged that petitioner and Pawan were giving orders to commit the assault.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not record the reason for the occurrence. It is next submitted that on account of dispute relating to land an altercation had taken place in which both sides assaulted each other. It is also submitted that petitioner has filed a Title Suit No. 78 of 2021 which is pending adjudication in the Court of learned Civil Judge, Senior Division-I, Dalsingsarai in which father of the informant was impleaded as defendant no. 4, since he was subsequent purchaser of the land in dispute. It is further submitted that since father of the informant was trying to capture the land which is the subject matter of dispute in Title Suit No. 78 of 2021 as such the occurrence took place which perhaps explains why the informant in the FIR does not record the reason for the occurrence. It is next submitted that from the



side of the petitioner Complaint Case No. 237 of 2024, dated 14.06.2024 has been instituted. It is also submitted that a person who has remained a person with clean antecedent all throughout his life has been made a criminal with an allegation that he was ordering to commit assault.

6. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his 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.5,000/- (Rupees Five Thousand) 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 Ghatho P.S. Case No. 28 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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