

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63611 of 2024**

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

Abhay Mishra @ Abhay Kumar Mishra, aged about 24 years, (Male), Son of  
Baban Mishra, R/o Village- Karnpur, P.S.- Laxmipur, District- 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. Uma Shankar Prasad Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      06-12-2024                      Heard Mr. Umesh Prasad, learned counsel appearing  
on behalf of the petitioner and Mr. Uma Shankar Prasad Singh,  
learned APP appearing on behalf of the State.

2. The petitioner apprehends his 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, petitioner  
along with other accused persons, had assaulted the informant  
and her son by means of *Tangi*, *Khanti* and *Lathi*. Specific  
allegation of assault is against one Bhupendra Mishra, who had  
assaulted the son of the informant on his head by means of  
*Khanti*, due to which, he had sustained injury on his head.

4. Learned counsel appearing on behalf of the



petitioner submits that petitioner is innocent and has falsely been implicated in the present case due to land dispute. Petitioner and informant are agnate and there is case and counter case between the parties. Other similarly situated co-accused, namely, Baban Mishra, has already been granted pre-arrest bail by this Court vide order dated 12.03.2024 passed in Criminal Miscellaneous No. 14268 of 2024. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

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

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that petitioner and informant are agnate and there is case and counter case between the parties. Other similarly situated co-accused, namely, Baban Mishra, has already been granted pre-arrest bail by this Court vide order dated 12.03.2024 passed in Criminal Miscellaneous No. 14268 of 2024. Petitioner has clean antecedent. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or



surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II<sup>nd</sup>, 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.

8. 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)**

Niraj/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

