

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79165 of 2024

Arising Out of PS. Case No.-87 Year-2024 Thana- GOPALPUR District- West Champaran

1. MANOJ KUMAR MISHRA @ MANOJ MISHRA SON OF PARAS MISHRA RESIDENT OF VILLAGE - BAHUARWA NUNIAWA TOLA,POLICE STATION - GOPALPUR, DISTRICT - WEST CHAMPARAN
2. MUNNA MISHRA SON OF PARAS MISHRA RESIDENT OF VILLAGE - BAHUARWA NUNIAWA TOLA,POLICE STATION - GOPALPUR, DISTRICT - WEST CHAMPARAN
3. RUPESH MISHRA SON OF PARAS MISHRA RESIDENT OF VILLAGE - BAHUARWA NUNIAWA TOLA,POLICE STATION - GOPALPUR, DISTRICT - WEST CHAMPARAN
4. RAHUL MISHRA @ RAHUL KUMAR MISHRA SON OF MANOJ KUMAR MISHRA @ MANOJ MISHRA RESIDENT OF VILLAGE - BAHUARWA NUNIAWA TOLA,POLICE STATION - GOPALPUR, DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Brij Kishor Mishra, Advocate Mr. Sachida Nand, Rai, Advocate Mr. Avinash Raj, Advocate
For the Opposite Party/s :		Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-11-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Gopalpur P.S. Case no. 87 of 2024, registered under sections 307, 323, 341, 384, 447, 427, 379 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, five named accused



persons including the four petitioners herein, over land dispute are said to have come variously armed. It is further stated that Nitesh Mishra fired from his country made pistol. The informant states that he somehow managed to save his life. It is further stated that the petitioner nos. 2 and 4 snatched Rs. 25,000 from him. The accused were making an attempt to capture his land.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case because of land dispute between the parties which would be evident from the FIR itself. Though no person was injured, even the allegation of assault/firing is solely on Nitesh Mishra, who is not the petitioner herein. There is case and counter case between the parties. It is submitted that it was only after the statement leading to the FIR at Annexure-2 was given by the petitioners' side on 21.6.2024 at 4:40 pm at the hospital that the statement leading to the instant FIR was given by the informant on 21.6.2024 at 6:10 pm without any explanation for delay. The petitioners have no criminal antecedent.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioners in



the F.I.R., no person having been injured in the entire occurrence, the timing of Annexure-2 ie the FIR lodged by the petitioners’ side together with the petitioners not having any criminal antecedent, it is directed that all the four petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Gopalpur P.S. Case no. 87 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Bettiah, District-West Champaran.

(Partha Sarthy, J)

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