

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82375 of 2023

Arising Out of PS. Case No.-74 Year-2023 Thana- PARIHAR District- Sitamarhi

Manish Mishra, Son of Ramashray Mishra, R/O Village- Parwaha, P.S.-
Parihar, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pushpendra Kumar Singh, Advocate Mrs. Divya Bharti, Advocate
For the Opposite Party/s	:	Mrs.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Parihar P.S. Case No. 74 of 2023 registered for the alleged offences under Sections 341, 342, 323, 325, 379, 448, 504, 506/34 of the Indian Penal Code and later on Section 307 IPC was added.

3. As per prosecution case, the petitioner and other co-accused persons dragged out the informant from his house and assaulted him with iron rod. They also tried to strangle him. The assailants also assaulted the brother of the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Both sides are agnates and there is land dispute between them. On a previous occasion, the father of the informant fired upon the brothers of the petitioner causing firearm injuries for which Parihar P.S. Case No. 40 of 2021 was registered for the offences under Sections 307 and 326 of the Indian Penal Code on the basis of written report of the Chaukidar of the area. There is allegation against the petitioner that he tried to strangle the informant by putting a rope in his neck, but no such injury in the injury report has been found. Moreover, the injury report of the informant shows non-serious nature of the injuries as one of the injuries is abrasion on left lower lip and another is lacerated wound on left lower lib with nasal bleeding and some fracture of incisor teeth. The co-accused against whom there is allegation of causing injury by means of iron rod has been granted bail by the learned court below itself. The allegation against the petitioner is not supported by the injury report. The petitioner is accused in two more cases.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



injury report which does not support the allegation against the petitioner and further considering the background of earlier criminal case between the parties, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Sitamarhi/court concerned, in connection with Parihar P.S. Case No. 74 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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