

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83699 of 2023

Arising Out of PS. Case No.-247 Year-2023 Thana- SARAI RANJAN District- Samastipur

1. SATISH MISHRA SON OF DAMODAR MISHRA RESIDENT OF VILLAGE - HARPUR BARHETA, P.S. - SARAI RANJAN, DISTRICT - SAMASTIPUR
2. SHANKAR JHA SON OF SANJAY JHA RESIDENT OF VILLAGE - HARPUR BARHETA, P.S. - SARAI RANJAN, DISTRICT - SAMASTIPUR
3. RAJ KUMAR ISHWAR SON OF RAVI ISHWAR RESIDENT OF VILLAGE - HARPUR BARHETA, P.S. - SARAI RANJAN, DISTRICT - SAMASTIPUR
4. VINAY MISHRA @ VINAY KUMAR MISHRA SON OF DAMODAR MISHRA RESIDENT OF VILLAGE - HARPUR BARHETA, P.S. - SARAI RANJAN, DISTRICT - SAMASTIPUR
5. TUNI DEVI @ TUNNI DEVI WIFE OF VINAY MISHRA RESIDENT OF VILLAGE - HARPUR BARHETA, P.S. - SARAI RANJAN, DISTRICT - SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv.
For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in a case registered
for the offence punishable u/s 341, 323, 307, 354, 379/34 IPC.

3. Allegation against the petitioner nos.3 and 4 is that they
tried to outrage the modesty of the informant and on protest,
petitioner no.3 assaulted her with iron rod on her head.



Thereafter, the petitioners entered into the house of the informant and assaulted her family.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to grudge. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is further submitted that there is a case and counter case and land dispute going on in between the parties. Petitioners have no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that there is specific allegation against the petitioner no.3 to assault the informant with iron rod on vital part of the body i.e. the head.

6. Having regard to the facts and circumstances of the case, considering that there is general and omnibus allegation against the petitioner nos.1, 2, 4 and 5, let the above named petitioner nos.1, 2, 4 and 5 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each 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 Sarairanjan P.S. Case No.247 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. However, considering that the petitioner no.3 assaulted on the vital part of the body of the informant with iron rod, I am not inclined to enlarge the petitioner no.3 on anticipatory bail. The prayer for grant of bail on his behalf is hereby rejected.
8. This application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

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