

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3728 of 2024

Arising Out of PS. Case No.-144 Year-2023 Thana- PHULPARAS District- Madhubani

1. Manoj Mishra S/o- Late Satnji Mishra resident of village- Tharbitiya, P.S.- phulparas, Dist.- Madhubani
2. Sanni Saurabh @ Sonu Mishra s/o- Anand Mishra resident of village- Tharbitiya, P.S.- phulparas, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kuar, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Phulparas P.S. Case No. 144 of 2023, registered for the alleged offence under Sections 341, 323, 324, 325, 307, 354(B), 379, 504, 506/34 of the Indian Penal Code.

03. As per prosecution case, the petitioners and other co-accused persons armed with spear and iron rod reached at the house of the informant and hurled abuses. The co-accused Anand Mishra assaulted the informant with *farsa*, causing fracture of the head. He also assaulted the informant at his back and leg. The petitioner Manoj Kumar assaulted the father of the informant with iron rod on his head causing a cut injury. In assault by the



petitioner Manoj Kumar, leg of the mother of the informant was fractured. The accused persons also snatched a gold chain from the mother of the informant.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The present case is counterblast of the case lodged by the father of the petitioner no. 2 bearing Phulparas P.S. Case No. 189 of 2022 for the offences under punishable under Sections 341, 323, 308/34 of the IPC against the informant and his associates. A number of cases have been lodged between the parties and all the cases pending against the petitioners have been lodged by the informant or his family members. Injury reports of the injured show simple injuries. The petitioners' side has also received injuries, for which there is no explanation. There is land dispute between the parties and due to long enmity, this false case has been lodged. With malafide intention, the petitioners have been falsely implicated in this case being brother and son of co-accused Anand Mishra due to land dispute.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that the petitioners are having a large number of criminal antecedents.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the case



and counter case between the parties and further considering the long standing dispute between the parties and also considering the possibility of false implication, let the petitioners above named, in the even of their 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. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned ACJM, Jhanjharpur, Madhubani/concerned court in connection with Phulparas P.S. Case No. 144 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners 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)

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