

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5084 of 2025

Arising Out of PS. Case No.-267 Year-2024 Thana- KHAIRA District- Jamui

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1. Chandan Mistry @ Chandan Kumar
 2. Kundan Mistry @ Kundan Kumar
Both Sons of Ashok Mistry @ Guddu Mistry.
 3. Reena Devi Wife of Ashok Mistry @ Guddu Mistry
 4. Ashok Mistry @ Guddu Mistry @ Ashok Sharma Son of Bharoshi Mistry.
All Resident of Village - Kahardih, P.S. - Khaira, District - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-02-2025 Heard Mr.Rabi Bhushan, learned counsel for the

petitioners and Mr.Pawan Kumar Chaurasia, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Khaira P.S.Case No.267 of 2024, FIR dated 15.07.2024 registered for the offences punishable under Sections 3(5),109,115(2) and 118(1) of Bhartiya Nyay Sanhita, 2023.

3. Allegation against petitioner, namely Ashok Mistry is said to have assaulted the daughter of the informant namely, Rupa Kumari on her head, whereas, the specific allegation of



assault has been alleged against the petitioners, namely, Kundan Mistry and Chandan Mistry to have assaulted the son of the informant namely Tuntun Kumar. Similarly specific allegation of assault has been alleged against the petitioners namely, Ashok Mistry and Reena Devi to have assaulted the wife of the informant.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. Due to admitted land dispute between the parties, the present occurrence had taken place and there is case and counter case. There is no specific allegation of any assault or overt-act attributed against the petitioners. Petitioners' side have also filed the complaint case bearing Complaint Case No.776 of 2024 on the same day. Although there is specific allegation against the petitioners that they have assaulted to the family members of the informant and three persons, namely, Yashodha Devi, Tuntun Kumar and Rupa Kumari have received the injury but the injury report of the injured persons suggests that the injury is simple in nature.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that there is direct and specific



allegation against the petitioners that they have assaulted to the family members of the informant and apart from that, the petitioner carries one more case other than the present one which was lodged by the same informant.

6. Considering the aforesaid facts, there is no specific allegation of any assault or overt-act attributed against the petitioners and the injury inflicted upon the injured persons is simple in nature, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand)each with two sureties of the like amount each to the satisfaction of learned C.J.M., Jamui in connection with Khaira P.S.Case No.267 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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