

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63334 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- GHATHO District- Samastipur

1. Nitish Kumar Mishra @ Nitin Mishra S/o- Sanoj Kumar Mishra Village- Bahadurpur Amarauli Tola Kishanpur Ps- Ghataho Dist- Samastipur
2. Govind Kumar @ Govind Kumar Mishra @ Govind Mishra Son of Ram Baboo Mishra @ Ram Babu Mishra Village- Bahadurpur Amarauli Tola Kishanpur Ps- Ghataho Dist- Samastipur
3. Gautam Kumar Mishra @ Gautam Mishra Son of Ram Baboo Mishra @ Ram Babu Mishra Village- Bahadurpur Amarauli Tola Kishanpur Ps- Ghataho Dist- Samastipur
4. Ram Baboo Mishra @ Ram Babu Mishra S/o- Baleshwar Mishra Village- Bahadurpur Amarauli Tola Kishanpur Ps- Ghataho Dist- Samastipur
5. Mahangi Lal Ray Son of Butan Ray Village- Bahadurpur Amarauli Tola Kishanpur Ps- Ghataho Dist- Samastipur
6. Saurav Kumar Chaudhary Rajiv Chaudhary @ Jhappu Chaudhary Village- Soyara Ps- Dalsinghsarai Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr. Rabindra Kumar
Mr. Rakesh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 06-02-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State, Shri. Rabindra Kumar and learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 342, 323, 324, 325, 379, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.



3. Learned counsel for the petitioners submits that Petitioners Nos. 1 to 5 are persons with clean antecedent and Petitioner No. 6 has antecedent of one case and the informant alleges that on 10-6-2024, the petitioners along with named accused persons came to this shop and started looting and firing in the air and assaulted his father by an iron rod causing injury, further Munnu Kumar Mishra took out Rs. 60,000 to 65,000/- from the cash box. It is further alleged that Munnu and Saurabh Kumar Chaudhary were firing while Rambabu, Gaurav and Govind were assaulting the father of the informant by an iron rod causing injury on head and fracture of right leg, while Baleshwar Mishra and Pawan Mishra were giving orders to assault.

4. Learned counsel for the petitioners next submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of allegation as alleged in the FIR, it would manifest that the same does not record the reason for the occurrence. It is next submitted that on account of dispute relating to land, an altercation had taken place, in which both sides assaulted each other. It is also submitted that Baleshwar Mishra had filed a Title Suit No. 78 of 2021, which is pending adjudication in the



court of learned Civil Judge, senior division, Dalsinghsarai in which father of the informant was impleaded as Defendant No. 4, since he was a subsequent purchaser of the land in dispute. It is submitted that since father of the informant was trying to capture the land, which is subject matter of dispute in Title Suit No. 78 of 2021, as such the occurrence took place, hence FIR does not record any reason for the occurrence.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant oppose the prayer for anticipatory bail of the petitioner. The learned counsel appearing on behalf of the informant submits that there is specific allegation of assaulting the father of the informant against Govind, Gautam and Rambabu. It is also submitted that even the injuries suffered by the father of the informant have been opined to be grievous and his leg stands fractured with number of stitches on the parietal region, which is vital part of the body. It is also submitted that no doubt allegation of assault is not specific, but then the father of the informant has suffered multiple injuries, on which learned counsel appearing on behalf of the petitioners submits that Rambabu Mishra is aged about 57 years and his sons, Govind and Gautam have also been implicated.



6. It is next submitted by the learned counsel appearing on behalf of the petitioners that Rambabu Mishra, who has remained a person with clean antecedent all throughout has been implicated only with a view to coerce his sons into submission. It is next submitted that Petitioner Nos. 1 and 5 were not named in the FIR and they came to be implicated subsequently and allegation against Saurav is ornamental in nature.

7. Considering the submissions made by the learned counsel for the petitioners, the Court is not inclined to extend the privilege of anticipatory bail to Petitioner No. 2 and 3.

8. Accordingly, the prayer for anticipatory bail of the petitioner No. 2 (Govind Kumar @ Govind Kumar Mishra @ Govind Mishra) and 3 (Gautam Kumar Mishra @ Gautam Mishra) is rejected.

9. However, the Petitioner No. 1, 4, 5, and 6, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Ghatho



P.S. Case No. 28 of 2024, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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