

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59285 of 2025

Arising Out of PS. Case No.-144 Year-2025 Thana- RAGHUNATHPUR District- Siwan

1. Bhairav Mishra Son of Late Vishwanath Mishra R/o Village - Dayachhapra, P.S. -Raghunathpur, District - Siwan.
2. Banshidhar @ Bashidhar Mishra Son of Late Vishwanath Mishra R/o Village - Dayachhapra, P.S. - Raghunathpur, Dist. - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ashutosh Kumar Mishra, Advocate Mr. Syed Asgher Najmi, Advocate
For the State	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-09-2025 Heard Mr. Ashutosh Kumar Mishra, learned counsel appearing on behalf of the petitioners and Mr. Pramod Kumar Pandey, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 109, 351(2), 352, 303(2) and 3(5) of the B.N.S..

3. As per prosecution case, informant, namely Shambhu Nath Tiwari, alleged that on 28.05.2025 at about 9:30 AM, these two petitioners, along with other F.I.R. named accused persons and some unknown persons, obstructed path way of informant by forcibly putting bamboo fence around his land and started earth filling and taking away bricks. It is



alleged that on objection, all of them assaulted on the head of informant and his two sons by means of *lathi*.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. From bare perusal of the F.I.R. it is apparent that allegation of assault is general and omnibus and no specific accusation of overt act has been alleged against these petitioners. As a matter of fact, on account of petty dispute, simple *maar-peet* took place in which both sides sustained injuries. There is case and counter-case. It is lastly submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 21.08.2025 passed in Cr. Misc. No. of 54384 2025. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, general and omnibus nature of accusation, case and counter-case between the parties, claim based on parity and clean antecedents of the petitioners, the prayer for grant of



anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged 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 Judicial Magistrate First Class, Siwan in connection with Raghunathpur P.S. Case No. 144 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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