

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1189 of 2017

Arising Out of PS.Case No. -178 Year- 2014 Thana -DARBHANGA SADAR District-DARBHANGA

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Vijay Kumar Mishra, Son of late Deochandra Mishra @ amahanth Mishra,
resident of Village-Ketuka, P.S.-Sadar (Mabbi O.P.), District-Darbhanga.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rajesh Kumar Jha, Advocate.

For the Opposite Party : Mr. Anand Mohan Prasad Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Darbhanga Sadar (Mabbi O.P.) P.S. Case No. 178 of 2014 for
the offences instituted under Sections 406, 420, 467, 468, 471 and
120(B) of the IPC.

The prosecution story, in brief, is that the informant is
residing at Mumbai alongwith his family members and time to
time used to come at his native place. The petitioner is also
running business of construction work at Mumbai and he also used
to come at his village home. It is further alleged that both of them
have visiting term and petitioner came at the house of the



informant and made request to give Rs. 1,15,000/- for admission of his son in Engineering and the petitioner promised to return the amount on the occasion of marriage of the daughter of the informant and on several reminders the petitioner gave cheques in name of the informant which were subsequently returned from the bank with an endorsement insufficient fund. Thereafter, the informant organized panchayati where the petitioner lastly refused to return the money.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. He has falsely been implicated in the present case. From perusal of complaint case/F.I.R., it is evident that the matter relates to the year 2012 for which a complaint case was filed on 26.04.2014 for bouncing of the cheque issued in favour of the complainant/informant. From perusal of Annexure-2, it is evident that prior to institution of the complaint case, an F.I.R. was instituted on 24.04.2014 for an offence under Section 302/34 and allied Sections of the I.P.C. relating to commission of murder of the father of this petitioner in which the informant/complainant to Annexure-1 is an accused. The present case is a counter blast to Annexure-2 instituted by the mother of the petitioner.



On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period of six weeks from today in connection with Darbhanga Sadar (Mabbi O.P.) P.S. Case No. 178 of 2014 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Darbhanga, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

