

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1402 of 2020**

Arising Out of PS. Case No.-55 Year-2018 Thana- DEODHA District- Madhubani

Mihir Kumar Mishra @ Laltus Mishra, Son of Jai Krishan Mishra, Resident of Village- Dhamiya Patti, P.S.- Deodha, District- Madhubani.

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr.Subhash Kumar Jha, Advocate
For the Respondent/s : Mr.Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 25-08-2020 Heard learned counsel for the appellant and Mr. Binay Krishna, learned Special P.P. for the State.

Appellant in the present case is seeking setting aside the order dated 24.02.2020 passed in Deodha P.S. Casse No. 55 of 2018 corresponding to G.R. No. 81 of 2018 by learned Additional Sessions Judge 1st -cum-Special Judge S.C. & S.T. Madhubani for the offences punishable under Sections 341, 323, 384, 504, 506 of the Indian Penal Code and Section 3(i)(x) (r) (s) S.C. & S.T. Act whereby and whereunder the prayer for regular bail of the appellant has been rejected.

Learned counsel for the appellant submits that as per the prosecution story the informant who belongs to scheduled caste is a labourer working for Sri Chiranjiv Jha who is a co-



villager of the appellant, the allegation is that for last one month the co-accused Santosh Singh and this appellant had been giving calls on the Mobile number of the informant asking him to arrange for Rs. 10,00,000/- from his master/employer through Chiranjiv Jha otherwise the children of said Chiranjiv Jha would be kidnapped. The informant has further alleged that he is working with the said Chiranjiv Jha, therefore, he replied to the co-accused and the appellant that they cannot do such act whereupon they started abusing the informant and threatened him that his children would also be kidnapped and he would be killed. Thereafter, it is alleged that on 22.05.2018 at about 7.00 P.M. while the informant was at a tea shop, both the accused abused him and started assaulting which were seen by many people and they also threatened him with revolver.

Learned counsel for the appellant submits that apparently it is a false case lodged at the instance of said Chiranjiv Jha who is a co-villager of the appellant. It is further submitted that it is difficult to believe that the appellant and the co-accused will ask him for the amount through this informant.

Learned counsel further submits that the appellant has remained in custody for about seven months and earlier co-accused Santosh Singh who is similarly situated with the



appellant has been granted regular bail by a learned Co-ordinate Bench of this Court in Cr.Appeal (SJ) 3051 of 2018 (Annexure-'2').

Mr. Binay Krishna, learned Special P.P. has opposed the prayer for regular bail of the appellant and has submitted that the family members of the appellant are still threatening the informant. Learned Special P.P. is, however, unable to point out any distinction between the case of the appellant and that of co-accused Santosh Singh who has already been granted regular bail.

The appellant has no criminal antecedent and has remained in custody for seven months, in the circumstances, let the impugned order be set aside and the appellant above named is released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st -cum-Special Judge S.C.7 S.T. Act, Madhubani in connection with Deodha P.S. Case No. 55 of 2018 corresponding to G.R. No. 81 of 2018, subject to the condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The



authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

