

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25346 of 2020

Arising out of PS. Case No.-374 Year-2019 Thana- BAHADURPUR District- Darbhanga

Sushil Kumar Mishra, aged about 33 years, Male, Son of Ghuran Mishra
Resident of Village - Ughara, P.S.- Bahadurpur, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur, Advocate
For the State : Mr. Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 16-10-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Baidya Nath Thakur, learned counsel for the petitioner and Mr. Shantanu Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Bhadurpur (Pator OP) PS Case No. 374 of 2019 dated 26.07.2019, instituted under Sections 341/353/354/504/506/34 of the Indian Penal Code.

4. The allegation against the petitioner is that he had disturbed the Public Meeting (*Aam Sabha*) held to appoint Anganwari Sevika and had also tried to snatch the proceeding



record and further of threatening the informant of dire consequences and false implication, if his wife was not appointed.

5. Learned counsel for the petitioner submitted that he has been falsely implicated. It was submitted that the complaint has been made on 26.07.2019 though the incident is said to have taken place on 13.07.2019 and further that endorsement of the Court is of 31.07.2019. Learned counsel submitted that in the *Aam Sabha* proceeding no such incident has been recorded in the proceeding book which has been written by the informant herself, which indicates that the allegation is false. It was further submitted that wife of the petitioner has not been appointed. It was submitted that the petitioner has also filed a complaint against the lady supervisor, who is the informant of the present case, for demanding money for appointing the petitioner's wife as Anganwari Sevika. It is further submitted that the petitioner has no criminal antecedent.

6. Learned APP submitted that there is allegation of putting pressure on the informant to appoint the wife of the petitioner though she was not eligible as he was earning Rs 12,000/- per month being employed in Jeevika and also disturbing the *Aam Sabha* and also trying to take away the



proceeding register. Learned counsel submitted that the informant has specifically stated that the whole incident was videographed to which there is no denial by the petitioner in the entire application and once the fact that the videography of the incident showing the conduct of the petitioner is stated in the FIR itself and there being no denial of such fact, it is obvious that petitioner did create ruckus and tried to interfere in the proceeding. It was submitted that the so-called complaint of the petitioner that the informant was asking for money for appointing his wife is absolutely unbelievable for the reason that the wife of the petitioner was not at all eligible for being appointed and, thus, even after taking money the informant could not have appointed her, and thus, there is no question of demanding money of something which could not have been done. It was submitted that the petitioner was aware of such ineligibility and thus, he could not have been fooled that by giving money his wife, who did not fulfill the eligibility criteria, would be appointed and, therefore, there could not have been any occasion for the informant to ask for illegal gratification.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.



8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

s.hassan/-

AFR/NAFR	
U	
T	

