

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.552 of 2021

Arising Out of PS. Case No.-47 Year-2020 Thana- ALIPUR District- Gaya

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KANAK MISHRA @ PAPPU @ KANAK KUMAR MISHRA S/o
KANHAIYA MISHRA Resident of Village & P.S. - Panchanpur (O.P.) Tikari,
District - Gaya.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

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Appearance :

For the Petitioner : Mr. Uday Shankar Choudhary, Advocate.
For the State : Mr. Rajiv Nayan, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 23-08-2021 As prayed for, through Video Conferencing, let the

learned counsel for the petitioner remove the defect(s), as
pointed out by the office vide its notes dated 01.01.2021, within
four weeks of starting of the Court proceeding in physical mode
in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State, through Video Conferencing.

The petitioner apprehends his arrest in connection
with Alipur (Gaya) P.S. Case No.47 of 2020 registered under
Sections 406, 419, 420, 467, 468 and 471/34 of the Indian Penal
Code.

The accusation is that Arvind Manjhi, the son of the
informant Bhutuka Devi, was in custody in connection with



Alipur P.S. Case No.37 of 2020 in respect of the murder of Chaudhary Birendra Paswan. On 11.06.2020, Anuj Kumar, son of Chandradeep Singh of village-Parariya, P.S. Panchanpur, O.P. Tikari, came at the house of the informant and asked the informant that one man is known to him and he will manage to remove the name of his son in the supervision note. On believing Anuj, the informant gave him Rs.15000/-. After somedays, Anuj called the informant in a lane situated in front of Tikari Police Station, where the informant was introduced by Anuj Kumar to one person, namely, Kanak Mishra alias Pappu (petitioner), who asked the informant that at least, Rs.50-60 thousand would come as expenses in removing the name of his son in the supervision note. On request of the informant, the matter was settled on payment of Rs.35,000/- and the informant gave Rs.35,000/- to Anuj Kumar, where the petitioner was also present. After some days, Anuj Kumar handed over paper of the supervision note regarding the removal of the name of his son from the accused column. Thereafter, when the informant showed the paper to her counsel, then he disclosed her that the paper is forged.

Learned counsel for the petitioner submits that, in fact, the petitioner is the Principal in a Private School and he has



falsely been implicated in this case. Further submission is that it would appear from the F.I.R. that the negotiation was made in between Anuj Kumar and the informant and the money was also received by Anuj Kumar from the informant. There is no detail in the F.I.R. about taking the money by the petitioner from the informant.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-II, Gaya, in connection with Alipur (Gaya) P.S. Case No.47 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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