

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17627 of 2023**

Arising Out of PS. Case No.-406 Year-2021 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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MITHILESH MISHRA S/O- BANSHIDHAR MISHRA Village- Ganj
Sripalpur Ps- Koilwar Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 31-05-2023

Heard the parties.

Petitioner apprehends his arrest in connection with
Complaint Case No. 406(C) of 2021 dated 17.3.2021 registered
for the offence punishable under Sections 386, 504, 506 and 34
of the Indian Penal Code.

As per the complaint, on 5.1.2021 at around 7 AM the
petitioner along with other accused persons arrived at the house
of the complainant, started abusing him and demanded a sum of
Rs.1,00,000/-, failing which, the standing crop of the
complainant would be harvested and the complainant would
also be killed.

Learned counsel for the petitioner submits that as per
the complaint, occurrence has taken place on 5.1.2021 but the
complaint has been filed after a delay of more than two months



i.e. on 20.3.2021. He further submits that even information to the Police as stated in the complaint petition was given by the complainant after a delay of one month i.e. on 11.2.2021. Accordingly, the submission is that the petitioner has falsely been implicated in this case on the basis of concocted story made in the complaint on the ground that both the parties are agnates and there is land dispute between them as would be evident from the statement made in the complaint itself. He next submits that as alleged in the complaint, the money demanded has not been handed over by the complainant as such ingredients of Section 386 is not applicable in the facts of the case.

Regards being had to the submission made by the parties and taking into consideration the delay in lodging the complaint petition and the fact that both the parties are agnates and there is admitted land dispute between them, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Parth, learned Judicial



Magistrate, 1st Class, Bhojpur, Arrah, in connection with
Complaint Case No. 406(C) of 2021 subject to the condition as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

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