

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21617 of 2023

Arising Out of PS. Case No.-27 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

Rajendra Mishra S/O Late Dasrath Mishra Resident of Village- Gita Deodha,
P.S.- Hasanpur Road, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Senior Advocate Mr.Ritik Thakur, Advocate Ms.Vaishnavi Singh, Advocate
For the Opposite Party/s :		Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-06-2023 Heard Mr. Ritik Thakur, learned counsel appearing
on behalf of the petitioner and Mr. Ajit Kumar, learned APP for
the State.

The petitioner seeks pre-arrest bail in connection with
Mufassil P.S.Case No.27 of 2020, registered for the offences
punishable under Sections 406, 409 and 353 of the Indian Penal
Code.

As per the allegation made in the FIR, the petitioner
was A.S.I. of two Police Stations, namely, Balia Police Station
and Bakhari Police Station. While the petitioner was posted as
A.S.I. of both the Police Stations, he had not submitted charge
of instigation of some of the cases and without giving charge of
those cases, in which he was investigating officer, he retired and
even he had not submitted requisite papers while giving his



charge on the date of his retirement.

The learned counsel appearing on behalf of the petitioner submitted that the allegation, which has been made against the petitioner, primarily relates to disciplinary action and as per the statutory provisions of Section 173 of Cr.P.C., the petitioner had to submit the charge of investigation of the cases within two months from the date of his retirement.

Learned counsel further submitted that as the investigation of the cases had not been completed within time because of ill health of the petitioner, the petitioner could not submit the charge of investigation of the cases and other documents on the date of his retirement.

Learned counsel further submitted that petitioner has been provided with No Objection Certificate by the S.H.O., Balia Police Station on 25.7.2022 and the S.H.O. of Bakhari Police Station on 31.7.2022. On these grounds, the petitioner seeks to be released on pre-arrest bail.

Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and he has submitted that the petitioner has not explained as to under what circumstances, he had retained the papers relating to investigation of as many as of 13 cases, in which he was Investigating Officer and



apparently in the present case, No Objection Certificate has been granted in the year, 2022. The petitioner has also not mentioned in the petition, the date of his retirement and a vague statement has been made in that regard, as such the petitioner is not entitled to be released on pre-arrest bail.

Having considered the rival submissions made by the parties as well as the allegation made in the FIR, I am of the opinion that the allegation, which has been made in the present FIR primarily relates to taking disciplinary action against the petitioner, however, petitioner has produced No Objection Certificate with respect to the pending cases, in which he was investigation officer, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Begusarai in connection with Mufassil P.S.Case No.27 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

chn/-

--	--	--	--

