

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31144 of 2023

Arising Out of PS. Case No.-947 Year-2022 Thana- MADHEPURA District- Madhepura

KISHOR KUMAR MISHRA SON OF SRI NAGENDRA MISHRA
RESIDENT OF VILLAGE - NEHAPATTI, P.S. - MANIKPUR, DISTT. -
MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 14-07-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Madhepura (Bharrahi O.P.) PS case no. 947 of 2022, registered for the offences punishable under Section 384 and other allied sections of the Indian Penal Code.
3. The allegation is regarding the petitioner, in connivance with other co-accused persons, having sold the land in question to the co-accused person namely Umesh Yadav, which had already been sold by his brother Vinay Kumar Mishra to one Anmol Kumari, wife of the informant. It is further alleged that the accused persons had arrived at the land of the informant on the alleged date and time of occurrence,



whereafter, they had threatened that they would demolish the boundary wall and construct a house or the informant should pay a sum of Rs. 25 lacs. Lastly, it is alleged that upon refusal by the informant to pay the extortion money, the accused persons had demolished a portion of the boundary wall situated on the land of the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner has inherited the land from his father, inasmuch as his father was having two sons i.e. the petitioner herein and one Vinay Kumar Mishra. It is also submitted that if at all there is any dispute with regard to the land in question, the same is in the nature of civil dispute and moreover, the petitioner is neither alleged to have threatened the informant nor is stated to have indulged in any sort of over act.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on



record as also considering the fact that neither the petitioner is alleged to have threatened the informant nor assaulted him and moreover, the dispute regarding the land in question is at best in the nature of a civil dispute, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Madhepur in connection with Madhepura (Bharrahi O.P.) PS case no. 947 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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