

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52825 of 2023

Arising Out of PS. Case No.-231 Year-2022 Thana- DUMARIAGHAT District- East
Champaran

SHIVAM KUMAR MISHRA son of Jaypukar Mishra Village- Pakri Ps-
Dumariyaghat Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Rahul Singh, learned counsel for the
petitioner and learned APP for the State.

2. The Petitioner is apprehending his arrest in connection with Dumariyaghat P.S. Case No.231 of 2022, registered for the offences punishable under Sections 457 and 380 of the Indian Penal Code.

3. Allegedly, in the night when the informant and his son were sleeping, in the meantime 4-5 thieves entered into his house and taken away valuables and cash of Rs.80,000/-. It is further alleged that the informant identified the petitioner while he was fleeing away with the suitcase and box.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is non-else but the nephew



of the informant and the present case has been instituted on the premise of a land dispute, which has been going on between the parties. He further submits that in fact the petitioner is a student and he is studying at Patna and on the alleged date of occurrence as he was present there, in the meanwhile some dispute arisen which resulted into lodging of such kind of case. He next submits that the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation/trial. While concluding his submission he drew the attention of this Court to the FIR and submits that the alleged occurrence took place on 28.10.2022 but the FIR has been instituted on 04.11.2022 without assigning any plausible reason for delay.

5. On the other hand learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR, apart from the relationship between the petitioner and the informant coupled with the fair antecedent and the genesis of occurrence, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned 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 the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Dumariyaghat P.S. Case No.231 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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