

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63545 of 2023

Arising Out of PS. Case No.-259 Year-2023 Thana- BETTIAH CITY District- West
Champaran

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1. Nandkishore Mishra S/O Late Himanchal Mishra R/O Village- Bhangaha, Ps. Kumarbagh Op, Dist. West Champaran
 2. Nibha Devi @ Nibha Mishra W/O Shambhu Kumar Mishra R/O Village- Bhangaha, Ps. Kumarbagh Op, Dist. West Champaran
 3. Pryanshu Kumar @ Priyanshu Kumar Mishra S/O Shambhu Kumar Mishra R/O Village- Bhangaha, Ps. Kumarbagh Op, Dist. West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Bettiah (Town) P.S. Case No. 259 of 2023 registered for the offences punishable under Sections 420, 406, 468, 471 and 120(B) of the Indian Penal Code. They have got no criminal antecedent.

3. As per the prosecution story, Shambhu Kumar Mishra, a family friend of the informant, allured him to take on the distributorship of a seeds company. The informant was assured by the co-accused Shambhu Kumar Mishra that he



would be assisted in the proposed business by five other persons, namely, Naveen Verma, Manoj Shukla, Shambhav Kumar, Virendra Kumar Shah and Raj Kumar Patel. In the process of setting up of the distributorship, the said co-accused has taken a total amount of Rs. 4 Crore, but the informant did not get any profit out of the said business and when the informant demanded the money, a document was executed by Shambhu Kumar Mishra with the informant showing receipt of an amount of Rs. 4 Crore.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The petitioners are family members of Shambhu Kumar Mishra and due to this reason they have been made an accused in the present case. The thrust of the allegations are against Shambhu Kumar Mishra who has received the money, as alleged, and had done all the transactions. It is submitted that one of the co-accused namely Raj Kumar Patel @ Raju Kumar Patel has been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 60706 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the



case wherein it is submission of the learned counsel for the petitioners that the petitioner no.1 is the father of the main accused Shambhu Kumar Mishra, petitioner no.2 is the wife and petitioner no.3 is the son of said Shambhu Kumar Mishra and they have been made accused only because they are kith and kin of said main accused, the allegations as appearing from the FIR would show that the thrust of the allegations are against co-accused Shambhu Kumar Mishra with whom the informant had some business relationship and the transaction, as allegedly, had taken place between Shambhu Kumar Mishra and the informant, one of the co-accused namely Raj Kumar Patel @ Raju Kumar Patel has been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 60706 of 2023, these petitioners have otherwise no criminal antecedent, in the circumstances, this Court directs that in case of their arrest or surrender within a period of six weeks from today, the petitioners above named be released on bail in connection with Bettiah (Town) P.S. Case No. 259 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran subject to the conditions as laid down under Section 438(2) of



the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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