

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2724 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- INARWA District- West Champaran

1. Sukesh Mishra @ Sumesh Mishra Son of Narayan Mishra
 2. Gurdeli Mishra @ Sumit Mishra Son of Narayan Mishra, Both R/o- Inarwa, P.S- Inarwa, 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. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 22-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioner apprehends his arrest in connection with Inarwa P.S. Case No. 92 of 2022 instituted under Sections 147, 148, 149, 341, 323, 307, 353, 332, 333, 337, 338, 379, 427, 414 of the Indian Penal Code lodged on 24-09-2022 by the informant Satpal.

As per prosecution case, police got information about smuggling of betel nut from Nepal and when they tried to intercept tractor trolley stated to be carrying the nuts, the police party was attacked by 41 FIR named accused persons along with 150 unknown persons. This mob tried to snatch weapons of the police party and the smugglers fled away with the tractor trolley.



Thereafter, search was conducted and from the house of the petitioner, 50 bags of betel nut each containing 60 kgs. apart from other articles were recovered.

It has been contended by the learned counsel for the petitioner that specific allegation has been made against Saroj Gaddi and Rushtam Miyan of assaulting the policemen causing injury to the informant Satpal and another policemen Jitendra Kumar Manjhi. So far as the other accused persons including the two petitioners are concerned, it has been submitted that omnibus allegation of trying to snatch the rifle has been attributed. He further submits that some of the similarly placed co-accused have been granted the relief of anticipatory bail.

The last submission is that irrespective of outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/ each to Satpal and Jitendra Kumar Manjhi as also Rs. 5,000/- each by the two petitioners to Chief Minister Relief Fund through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned APP opposes the prayer for anticipatory bail.



Taking into account the fact that specific allegation is against Saroj Gaddi and Rushtam Miyan, some of the co-accused have since been extended the privilege of the anticipatory bail, the order-sheet of which have been provided and the same are kept on record, this Court is inclined to extend them the privilege of anticipatory bail, subject to the fulfillment of undertaking given above.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) each with two sureties of the like amount each in connection with Inarwa P.S. Case No. 92 of 2022 to the satisfaction of learned J.M. 1st Class, Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners will make himself available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every



date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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