

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73401 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- NAURANGIA District- West Champaran

Rajesh Kumar Mishra @ Rajesh Mishra Son of Late Gauri Shankar Mishra
Resident of Village- Bahuarwa, Seharwa, P.S.- Yogapatti, District- West
Champaran (Revenue Employee Nautan)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the State : Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-04-2023 Heard the learned counsel for the
petitioner and learned APP for the State.

This is an application for grant of
anticipatory bail in connection with Naurangiya P.S.
Case No.76 of 2022, registered for offence under
Section 409 of the IPC.

The allegation is regarding the work of
computerization being carried out with regard to
entry of particulars qua the *Jamabandi* Register-II
of Mauza-Mishrauliya and for the said purpose,
Jamabandi Register-II was handed over to the
petitioner, who is stated to be the revenue
employee posted at the concerned circle, however,
subsequently, he refused to return back the same



resulting in the villagers facing lot of problems, as also resulting in negligence on the part of the petitioner in properly maintaining Government documents.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner had handed over the *Jamabandi* Register-II to one Deepak Kumar on 01.03.2018 and he has not returned the same. Nonetheless, it is submitted that the petitioner is ready to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of grant of anticipatory bail.

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

Having regard to the facts and circumstances of the case as also taking into consideration the materials available on record as also considering the fact that the petitioner is



ready to join investigation as also is ready for custodial interrogation, apart from the fact that it is the averment of the petitioner that he has given the *Jamabandi* Register-II to one Deepak Kumar, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, but subject to certain conditions.

Accordingly, the above named petitioner is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bagaha, West Champaran, Bagaha, West Champaran in connection with Naurangiya P.S. Case No.76 of 2022, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police station at 10:00 am. on every Monday, starting from the day he is released



on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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