

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15406 of 2024

Arising Out of PS. Case No.-31 Year-2018 Thana- DUMARIAGHAT District- East
Champaran

Chhotan Mishra @ Chhotu son of Late Surendra Mishra Village- Kanalua Ps-
Areraj Dist- East Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Namita Sharma, Advocate
		Mr. Anshu Dhar Sharma, Advocate
For the State	:	Mr. Shailendra Kumar, APP
For the Informant	:	Mr. Vijay Shankar Srivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in connection
with Dumariyaghat P.S. Case No.31 of 2018 instituted under
Sections 302, 201/34 of the Indian Penal Code.

3. It is alleged that the petitioner including other named
accused persons took away the informant's son and later on the
informant came to know that the car met with an accident and
his son was found dead. It is suspected that the petitioner is
indulged in the alleged crime.

4. Learned counsel for the petitioner submits that the
petitioner is quite innocent and has falsely been implicated in
this case. He further submits that after investigation, the I.O.



submitted charge sheet only against co-accused Ramesh Mahto under Sections 279, 397, 304(A) of I.P.C. and submitted final form against the petitioner and two other accused persons. However, differing with the police report, learned J.M. 1st Class took cognizance under Sections 302, 201 and 34 of I.P.C. He further submits that co-accused Ramesh Mahto @ Ramesh Kumar had been granted anticipatory bail by a coordinate bench of this Court vide order dated 13.07.2018 passed in Cr. Misc. No.40638 of 2018. He next submits that the petitioner has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari in connection with Dumariyaghat P.S. Case No.31 of 2018, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 with further condition that:

(i) The petitioner 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 his bail bonds by the Trial Court itself.

(Sunil Dutta Mishra, J)

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