

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30947 of 2024

Arising Out of PS. Case No.-236 Year-2023 Thana- CHACKMEHSI District- Samastipur

1. Nankhi Mishra Son Of Baidhnath Mishra
2. Baleshwar Mishra @ Amresh Mishra Son Of Baidhnath Mishra.
Both are Resident Of Village - Sakriman Ward No.-11, P.S. - Piar (HATHA O.P.), District - Muzaffarpur

... .. 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.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-04-2024 Heard Mr.Rahul Singh,learned counsel for the
petitioners and Mr.Anil Kumar, learned A.P.P. for the State.

2. The petitioners seek bail in connection with Chakmehsi P.S.Case No.236 of 2023, F.I.R. dated 18.12.2023 registered for the offence punishable under Section 341,323, 324,329,385,379,447,436,427,504 and 34 of the Indian Penal Code.

3. According to prosecution case, a verbal altercation took place between the informant and one Pankaj Mishra over irrigation of informant's wheat field. It is further alleged that the petitioners along with FIR named accused persons came at the house of the informant and sabotaged his house and took



ornaments worth Rs. 5,00,000/- (Rupees five lakhs), Rs. 40,000/-(Rupees forty lakhs) cash and documents of the land. It is further alleged that the accused persons also assaulted the family members of the informant and demanded Rs. 10,00,000/- (Rupees ten lakhs) in lieu of cultivating the field.

4. Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR and from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 16.12.2023 but the present FIR has been instituted on 18.12.2023 after delay of two days without giving any explanation of delay and apart from that from a bare perusal of the FIR also it appears that there is no specific allegation of any assault or overt-act rather there is general and omnibus allegation against all the accused persons and specific allegation is against co-accused person, namely, Pankaj Mishra and petitioner No.1 is in custody since 10.01.2024 and petitioner No.2 is in custody since 14.03.2024 respectively.

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



6. Considering the aforesaid facts, petitioners have clean antecedent and there is no specific allegation of any assault or overt-act, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, First Class-cum-Addl. Munsif, Samastipur in connection with Chakmehsi P.S.Case No.236 of 2023, with the following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) 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.

(Rajesh Kumar Verma, J)

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