

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53933 of 2024

Arising Out of PS. Case No.-154 Year-2022 Thana- PHULPARAS District- Madhubani

1. Manoj Mishra, Male, aged about 43 years, son of Late Satanjiv Mishra, resident of village- Tharbitiya, P.S. - Phulparas, District - Madhubani.
2. Sanni Saurabh @ Sonu Mishra, Male, aged about 34 years, son of Anand Mishra, resident of village- Tharbitiya, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kuar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Phulparas PS Case No.154 of 2022 dated 28.03.2022, instituted under Sections 341, 323, 379, 504, 506/34 of the Indian Penal Code.

3. The allegation against the petitioner no.1 is that he caught the hand of the informant and dragged him to his house and asked his associates to prepare some documents, whereas, petitioner no.2 is alleged to have snatched his old watch worth and Rs.4500/- from the pocket of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in



this case. Learned counsel further submits that petitioner no. 1 is the uncle of the petitioner no.2 and they are residing in the same village. The occurrence is alleged to have taken place on 25.03.2024, but the FIR has been lodged on 28.03.2024 without any plausible explanation for the same. There is case and counter case between the parties. Due to enmity on account of land dispute between the parties, this false case has been filed with *malafide* intention. Further submission is that sixteen criminal cases are pending against the petitioner no. 1, whereas, ten criminal cases are pending against the petitioner no.2 and most of the cases have been filed by the same informant and his family members.

5. Learned APP has opposed the prayer for bail.

6. Having considered 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 petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Jhanjharpur, in Phulparas PS Case No.154 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the



petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below, (ii) that one of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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