

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60842 of 2024

Arising Out of PS. Case No.-56 Year-2021 Thana- BIKRAMGANJ District- Rohtas

-
1. Bhartendu Mishra @ Dadan Mishra S/O Late Srinath Mishra R/O Village- Durgadih, P.S- Bikramganj, District- Rohtas
 2. Kanhaiya Mishra S/O Late Srinath Mishra R/O Village- Durgadih, P.S- Bikramganj, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy
For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-09-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Bikramganj P.S. Case No. 56 of 2021 for the offence under Sections 341, 323, 354, 379, 504, 506/34 of the I.P.C. lodged on 26.02.2021 by the informant, Heerajharo Devi.

3. As per the prosecution story, the informant alleged that Srinath Mishra died leaving behind Satyanarayan Mishra, Dadan Mishra (petitioner No. 1), Kanhaiya Mishra (petitioner No. 2) and Baban Mishra. The informant is wife of Baban Mishra. Pursuant to the partition, her husband came in possession of the share but petitioner No. 1 (Dadan Mishra) on the fateful day entered and started beating the daughter and



daughter-in-law with bamboo stick while Sanjay Mishra and Chandrawati Devi took away gold chain and also threw her on floor. The reason has been stated that they want to grab the share of the informant. The further allegation is of outraging the modesty. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that the F.I.R. itself shows that there is a land dispute between both the parties, both belong to the same family tree of Srinath Mishra. There is case and counter case and a perusal of F.I.R. would show that the same has been exaggerated only to implicate.

5. Learned APP opposes the prayer submitting that they have criminal antecedent.

6. Learned counsel for the petitioners submits that all these cases have been lodged by the informant who is sister-in-law of the two petitioners.

7. Having gone through the facts of the case as also the submissions by the parties, there is case and counter case. So far as these petitioners are concerned, no injury has been attributed against them. Though criminal antecedent is there, according to learned Counsel for the petitioner, he was earlier on police bail but after cognizance taken in the matter, has to



knock the door of Court, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bikramganj (Rohtas), in connection with Bikramganj P.S. Case No. 56 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(ii) 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 their bail bond by the Trial Court itself;

(iii) 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;



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

(Rajiv Roy, J)

Nirajkrs/-

U		T	
---	--	---	--

