

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79528 of 2023

Arising Out of PS. Case No.-210 Year-2019 Thana- NAWANAGAR District- Buxar

SANTOSH MISHRA SON OF RAM PYARE MISHRA RESIDENT OF
MOHALLA - RZ 1252 GALI NO.5/1 MAIN SAGARPUR, NANGAL RAYA
SOUTH WEST DELHI, P.O. - MAYAPURI, P.S. - MAYAPURI, DISTRICT -
DELHI, STATE - DELHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar
For the Opposite Party/s : Mr. Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406, 418,
419, 420, 423, 467, 468, 471, 120(B) and 34 of the Indian Penal
Code.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and, being brother
of Anil Mishra, has been falsely implicated in the present case
by the informant in order to coerce Anil Mishra into submission.
It is next submitted that from perusal of the allegation as alleged
in the F.I.R., it would manifest that the informant alleges that he
intended to purchase a Poclain machine for which Anil Mishra



informed that he knows a person who is willing to sell his Poclain machine but then he would take commission of Rs. 2 Lakhs based on which it is alleged that Rs. 50,000/- was credited in the account of the wife of Anil Mishra and thereafter Anil Mishra took the informant to Rajiv Kumar Pandey who intended to sell his Poclain machine. It is further alleged that the accused persons took the informant to a stamp vendor where they purchased a stamp of rupees of one thousand, on which sale of the Poclain machine was prepared, thereafter they came back to hotel Vrindavan and the informant handed over Rs. 26 Lakhs in cash to Rajiv Kumar Pandey but then the Poclain machine was never handed over to the informant.

4. The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that general and omnibus allegation has been levelled against the petitioner. It is further submitted that it absolutely does not stand to reason that a person can pay Rs. 26 Lakhs in cash to someone whom he does not know. It is further submitted that the informant does not allege that any amount was credited in the account of the petitioner, rather the amount so credited was in account of the wife of Anil Mishra who as per allegation had already made it clear that he would take Rs. 2



Lakhs by way of commission in the event Rajiv Kumar Pandey sells the Poclain machine to him.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nawanager P.S. Case No. 210 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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