

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3514 of 2025

Arising Out of PS. Case No.-218 Year-2024 Thana- TAJPUR District- Samastipur

Punit Kumar Mishra @ Puneet Kumar Mishra Son of Suryakant Mishra,
Resident of Village- Morwa Dih, P.S.- Musrigharari, Distt.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Ms. Khushi Awadh, Advocate
For the Informant : Mr. Gopal Tiwari, Advocate
For the State : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-02-2025 Heard Ms. Khushi Awadh, the learned counsel for

the petitioner, Mr. Gopal Tiwari, the learned counsel for the

informant and Mr. Dinesh Singh, the learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Tajpur PS Case No. 218 of 2024, FIR dated

20.09.2024, registered for the offences punishable under

Sections 126(2), 115(2), 308(3), 308(5), 324(4), 352, 351(2) and

3(5) of the B.N.S.

3. According to the prosecution case, the co-accused

persons, variously armed, came at the field of the informant and

on gun point demanded Rs. 5,00,000/- (Rupees five lakhs only)

as *rangadari* to which informant handed over Rs. 50,000/-

(Rupees fifty thousand only) instantly out of fear. It is further



alleged that the co-accused persons ploughed the field of informant and also looted the crops and threatened the informant with dire consequences.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from bare perusal of the FIR it is evident that due to admitted land dispute the present occurrence has taken place and as per allegation in the FIR, the petitioner and other co-accused persons have ploughed the field of informant and there is no allegation of any assault or overt act attributed against the petitioner.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that informant had succeeded in the Partition Suit No. 353 of 1970. Thereafter, the family member of the petitioner filed First Appeal No. 121 of 1975 and the said appeal was dismissed on 28.07.1993. Thereafter, the family member of the petitioner again filed LPA No. 74 of 1993 and the same was dismissed *vide* order dated 09.04.2013. Apart from



that, the petitioner carries two criminal antecedents other than the present one, but fairly submits that petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances and mainly the facts that there is admitted land dispute between the parties and there is no allegation of any assault or overt act attributed against the petitioner, let the petitioner, above-named, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Samastipur, where the case is pending in connection with **Tajpur PS Case No. 218 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

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



be cancelled by the learned trial Court.

(ii). If the petitioner tampers 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 learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. 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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