

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58971 of 2024

Arising Out of PS. Case No.-613 Year-2021 Thana- LAHERIYASARAI District- Darbhanga

Shankar Dayal Mishra S/o Sachidanand Mishra Resident of village
Mishraouli, P.S- Simri, P.O.- Simri, Panchayat- Rrampur, Block- Singhwara,
Distt. - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Siddheshwar Prasad S/o- Late Ram Murat Ram H.No-B/9, Anand Bihar
Colony, Ps- Phulwarisharif Po- Anishabad Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Jitendra Acharya, Adv.
For the Opposite Party/s :	Mr. Sanjay Kumar Singh, APP
	Ms. Shipra Sinha, Adv.for OP-2

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 30-01-2025 Heard learned counsel for the petitioner, State and
informant/opposite party no. 2.

2. The petitioner apprehends his arrest in a case punishable for the offence under Sections 406, 420, 467, 468 of the Indian Penal Code.

3. As per prosecution case, this petitioner used to run a office in the name and style of “*Bihar Business Directory*” and it is alleged that this petitioner received Rs. 13 lakh from the informant in lieu of providing job through quota in M.R.D. ministry on the post of P.R.O., out of which, Rs. 1,25,000/- was deposited in his office account and later on, he (petitioner) closed his office and switched off his mobile phone.



4. Learned counsel for the petitioner submits that petitioner has not taken Rs. 13,00,000/-, rather he admits that Rs. 1,25,000/- was deposited by the informant in his account and said amount was already returned to the informant in cash. However, without admitting the allegation made in the F.I.R., by filing supplementary affidavit, the petitioner is ready to deposit ***Rs. 1,25,000/- (Rupees one lakh & twenty five thousand)*** in installments in the Nazarat of concerned Civil Court, for which, learned counsel for the opposite party no. 2 does not oppose.

5. Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Laheriasarai (Beta O.P.) P.S. Case No. 613 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further following conditions:

“(A) At the time of furnishing bail-bond, the petitioner shall deposit **Rs. 50,000/-** (fifty thousand) in the *Nazarat* of concerned Civil Court and receipt of the same shall be furnished



alongwith bail-bond.

(B) Rest amount i.e. **Rs. 75,000/-** (seventy five thousand) shall be deposited in the *Nazarat* of concerned Civil Court in two installments within a period of six months from the date of furnishing bail-bond.

(C) The aforesaid payment shall be subject to final outcome of the case.

(D) If petitioner fails to comply the direction of this Court, the learned Court below would be at liberty to cancel the bail-bond of the petitioner.”

6. This order has been passed, without going into the merit of the case, only for the purpose of considering the prayer for anticipatory bail of petitioner.

(Prabhat Kumar Singh, J)

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