

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68152 of 2025

Arising Out of PS. Case No.-88 Year-1994 Thana- PANDARAK District- Patna

Shankar Kishore Mishra S/o Late Nawal Kishore Mishra R/o Village-Surajgarha, P.S.- Lakhisarai, District- Lakhisarai, at present residing at Shastri Nagar, Road No. 1, Munger, P.S.- Kashim Bazar, District- Munger

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vigilance Investigation Bureau through SP Bihar Patna Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Bhanu Raj, Adv. Mr. Sunil Kumar, Adv. Mr. Ajay Kumar Jha, Adv.
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 30-10-2025 1. Heard learned counsel for the petitioner and learned A.P.P. for the State, Mr. Ganesh Prasad Singh and the learned counsel appearing on behalf of the Vigilance, Mr. Anil Singh.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 406 and 409 of the Indian Penal Code read with Section 5C of the prevention of Corruption Act, 1947.

3. The learned APP for the State submits that the SHO, Pandarakh Police Station, in compliance of the order dated 16.10.2025, is present in the Court.

4. The learned counsel appearing on behalf of the



petitioner submits that this is the second attempt of the petitioner to seek anticipatory bail. It is next submitted that petitioner had earlier moved before this Court seeking anticipatory bail by filing Cr. Misc. No. 12195 of 1995 and the same came to be rejected by an order dated 07.09.1995. It is also submitted that no doubt process under Sections 82 and 83 Cr.P.C. was issued, but then the same was never executed, as such, the petitioner never came to know that process under Sections 82 and 83 Cr.P.C. has been issued against him, it was only in the year 2025, when the police knocked the door of the petitioner then he came to know that charge sheet has been submitted but then it is submitted that the charge sheet records that the credentials of the petitioner were not verified. It is further submitted that when police in these 30 years never made any attempt to arrest the petitioner whether it would be prudent for this court to send the petitioner to jail. It is also submitted that in sum and substance the allegation as alleged in the FIR is with regard to serious irregularities committed in construction of *Panchayat Bhawan*, it is further submitted that for the same allegation, the petitioner was proceeded departmentally and in the departmental proceeding, the petitioner was exonerated of the charges. It is next submitted that when the department was



not able to establish the charge against the petitioner in a departmental proceeding which is based on preponderance of probabilities, whether the department can prove the allegation in a criminal trial which is based on strict rules of evidence.

5. The learned counsel for the petitioner reiterates and submits that no doubt, process under Sections 82 and 83 Cr.P.C. has been issued, but then the same was never executed, as such, petitioner never came to know that police after investigation charge sheeted him implicating in the instant case. It is also submitted that case is of the year 1995 and the charge sheet came to be submitted in the year 2025 recording that credentials of the petitioner could not be verified. It is next submitted that during the course of investigation also, no material transpired which could even remotely connect the petitioner with the offence. It is further reiterated and submitted that when police in the last 30 years did not make any endeavours to arrest the petitioner that amply demonstrates that police never required the petitioner in the case for investigating the allegations.

6. The SHO, Pandarakh Police Station who is present in the Court submits that he has recently joined the post of SHO and has examined the records and after examining the records, it transpired that process under Sections 82 and 83 Cr.P.C. was



issued in the year 1995 within a period of one month of institution of the case, but then the warrants were never executed.

7. The learned APP for the State submits that in the event if petitioner is granted the privilege of anticipatory bail, the petitioner may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

8. Learned counsel appearing on behalf of the Vigilance is also not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner that process under Sections 82 and 83 Cr.P.C. though issued was never executed, as such, petitioner never came to know that process under Sections 82 and 83 Cr.P.C. has been issued against him.

9. 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. 25,000/- (Rupees Twenty Five 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 Pandarakh P.S. Case No. 88 of 1994 arising out of Special Case No. 05 of 1995 subject to the conditions as laid down under Section 482 (2) of BNSS.

10. However, it is made clear that if the learned Trial Court comes to a conclusion that petitioner after his release is trying to delay the framing of charge of after framing of charge is trying to delay the trial, in both the conditions, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

11. Accordingly, the instant anticipatory bail application stands allowed.

12. The personal appearance of the SHO, Pandarakh Police Station is dispensed with.

(Satyavrat Verma, J)

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