

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.84508 of 2024

Arising Out of PS. Case No.-74 Year-2019 Thana- BAGHA District- West Champaran

Subhash Mishra S/O Devanandan Mishra R/O village - Bishunpurwa, P.S-
Bathwariya, District- West Champaran. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar-II, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

5 23-07-2025 Heard learned counsel for the petitioner and learned APP for
the State.

2. The petitioner apprehends his arrest in Bagaha (Pathkhauli)
P.S. Case No. 74 of 2019 registered for the offences punishable
under Section 409 and 420 of the Indian Penal Code.

3. The petitioner and others are said to have supplied the
certified copy of the record no.938/10-11 and, upon enquiry, it
was found that the said records were missing because of their
illegal activities.

4. It is submitted by learned counsel for the petitioner that
there is no specific allegation of misplacing the official records
and further the informant has also not alleged that the petitioner
has taken charge of those official records. Further, the
petitioner retired in the year 2016, whereas the present F.I.R.
came to be lodged in the year 2019. It is further submitted that
the petitioner had joined in August, 2012, whereas the record



was missing since 2011. It is further submitted that one similarly situated co-accused, Sunil Nath Tiwari @ Sri Sunil Nath Tiwari, whose anticipatory bail application was rejected by a coordinate Bench of this Court vide order dated 11.04.2022 passed in Cr. Misc. No.42826 of 2021, has been granted regular bail by the learned Court below on the date of surrender itself.

5. Learned APP for the State vehemently opposing the bail petition submitted that the present case involves missing of official records, hence serious view may be taken.

6. Taking into consideration the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within four weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order and also in the light of the order passed by the learned Court below in case of other similarly situated co-accused persons.

(Soni Shrivastava, J)

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