

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88317 of 2024

Arising Out of PS. Case No.-449 Year-2024 Thana- SARAIYA District- Muzaffarpur

Madan Mishra Son of Late Lale Mishra Resident of village - Baghnagri, P.S.- Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 89801 of 2024

Arising Out of PS. Case No.-449 Year-2024 Thana- SARAIYA District- Muzaffarpur

1. Utsav Kumar @ Ranjay Kumar Son of Sri Madan Mishra Resident of Village - Baghnagri, P.S. - Saraiya, District - Muzaffarpur
2. Manjay Kumar @ Manjay Mishra Son of Sri Madan Mishra Resident of Village - Baghnagri, P.S. - Saraiya, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 88317 of 2024)
For the Petitioner/s : Mr. Nachiketa Jha, Advocate
For the State : Mr. Ram Sevak Choudhary, APP
For the Informant : Mr. Ranjeet Ranjan, Advocate
(In CRIMINAL MISCELLANEOUS No. 89801 of 2024)
For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-05-2025 Heard Mr. Nachiketa Jha, learned counsel for the petitioners, Mr. Ranjeet Ranjan, learned counsel for the informant and Mr. Ram Shevak Choudhary, learned APP for the State in Cr. Misc No. 88317 of 2024 and Mr. Bharat Bhushan, learned APP for the State in Cr. Misc. No.89801 of 2024.



2. The petitioners are apprehending their arrest in connection with Saraiya P.S. Case No. 449 of 2024 for the offence under sections 329(4), 303(2), 326(f), 326(g), 352, 351(2), 4(3), 3(5) of the B.N.S., 2023 lodged on 22.09.2024 by the informant, Kishori Singh.

3. As per the prosecution story, the informant serving as night guard at Puja Brick-kiln alleged that while he was sleeping the accused persons including these petitioners came. They were variously armed and after putting pistol, took away Rs.75,000/- after breaking the almirah and later they also put the office on fire. As the locals arrived, they left the place but he materials kept in the office and documents turned into ashes. This led to the FIR.

4. Learned counsel for the petitioners submit that only to save their skin and not to vacate the land for which the lease period came to an end, the FIR has been lodged, they actually own the land and the other side were to vacate but now are facing the present case. The last submission is that to show their bonafide they intend to pay Rs.25,000/- each (Rs.75,000/- total) to the informant.

5. Learned APP as also learned counsel for the informant oppose the prayer concede that the petitioners have



no criminal antecedent.

6. Taking into account the submissions of the parties as also that these petitioners do not have criminal antecedent, unfortunately, a civil dispute has now turned into criminal case, FIR is there, they shall be facing the trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail, subject to the payment of Rs.25,000/- each (Rs.75,000/- in total) to the informant, Kishori Singh, by way of Demand draft issued by the local State Bank of India through the Trial Court after checking his credentials.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M. IV, (West) Muzaffarpur, in connection with Saraiya P.S. Case No.449 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

anand/-

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