

IN THE COURT OF SATYA BHUSHAN ARYA, SESSIONS JUDGE, BANKA

Bonod Kumar Mishra V. State of Bihar

Anticipatory Bail Petition No. 269 of 2026

Date of filing : 18.02.2026

Date of order : 16.04.2026

*Binod Kumar Mishra, aged about 73 years, son of late Gunanand Mishra,
resident of village Vijaynagar, p.s. & district Banka*

..... Petitioner

-Versus-

State of Bihar

.....Opposite Party

Present : - Sri Lal Mohan Sah, Advocate for the Petitioners

Sri Hira Lal Singh, Public Prosecutor for the State

ORDER

1. Apprehending arrest the petitioners have preferred this pre-arrest bail application who is booked in Amarpur Police Station Case No. 633 of 2022, for the offence allegedly committed under Sections 406, 420, 467, 468, 471, 380, 120B/34 of IPC.

2. The case of prosecution is based upon an application filed by complainant Awadhesh Kumar Jha, with the allegations that complainant is having 4 bigha ancestral property in villages Fatehpur and Rampur. His parents were having four legal heirs. Complainant works in Dhanbad and younger brother i.e. accused no. 1 was looking after all their affairs and property in the village. All the property including the pension money etc. of his father, who was police officer, were in custody of accused no. 1 and 2. When the complainant asked him for partition of the properties, they evaded the matter. Ultimately upon suspicion when he inquired the matter, then on 30.11.2020, he came to know that the accused no. 1 in collusion with his sons i.e. accused nos. 2 and 3 by hatching conspiracy sold the properties without his knowledge on 13.02.2009. Therefore, he filed a complaint case Amarpur

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Police Station Case No. 14 of 2021, which is under investigation. Ultimately, the complainant got issue a legal notice on 18.02.2021, which has been received by them on 19.02.2021, and even then they did not bother to reply. The accused no. 1 sold the entire property of his village Rampur. The accused no. 1 and 2 also sold the HP Kirloskar pump and grass cutting machine. The accused no. 1 and 2 also unlawfully sold flour machine of their father.

4. *Learned counsel for the petitioner in his oral arguments submitted that petitioner is not the beneficiary of any kind but he is only one of the witnesses of the sale deed. It is further submitted that co-accused Mithilesh Kumar Jha and Satyajeet @ Rahul Jha have already been granted pre-arrest bail by this very court vide ABP No. 119 of 2026 and the case of the present petitioner is on lesser footing.*

4. *In counter, learned public prosecutor stoutly opposed the pre-arrest bail application.*

5. *Heard rival submissions and perused the record. It is indubitable that this is a case of civil nature. Further, the record reveals that co-accused Mithilesh Kumar Jha and Satyajeet @ Rahul Jha have already been granted pre-arrest bail by this very court vide ABP No. 119 of 2026 and the case of the present petitioner is on lesser footing. Keeping in view the law of parity, this court is inclined to grant the petitioner privilege of pre-arrest bail; resultantly, this pre-arrest bail application is allowed. It is, therefore, ordered that upon arrest or surrender of the petitioner within fortnight of receiving the instant order the petitioner be admitted to anticipatory bail*

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upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of trial court subject to condition as laid down under Section 482(2) of the BNSS. Out of the two sureties, one will be of the same village or close relative of petitioner.

6. *File be consigned to the record room and that of trial court be sent back with a copy of this order.*

7. *Keeping in view the General Order no. 1 of 1991 (Criminal) dated 07.03.1991, the certified copy of FIR, if desired, be returned back to the petitioner on placing the xerox copy thereof on record.*

(Dictated)

(Satya Bhushan Arya)
Sessions Judge, Banka