

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr. Revision No. 770 of 2023**

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|---------------------------|----------|----------------------|
| Kiran Mishra              | -Versus- | ... Petitioner       |
| 1. The State of Jharkhand |          | ... Opposite Parties |
| 2. Nisha Mishra           |          |                      |

With  
**Cr. Revision No. 767 of 2023**

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|                           |          |                      |
|---------------------------|----------|----------------------|
| Rakesh Kumar Mishra       | -Versus- | ... Petitioner       |
| 1. The State of Jharkhand |          | ... Opposite Parties |
| 2. Nisha Mishra           |          |                      |

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**CORAM :- HON'BLE MR. JUSTICE RATNAKER BHENGRA**

|                       |                                                                 |
|-----------------------|-----------------------------------------------------------------|
| For the Petitioner :- | Mr. R.S Mazumdar, Sr. Advocate<br>Mr. Nishant Kr. Raj, Advocate |
| For the Informant :-  | Mr. P.A.S. Pati, Advocate                                       |
|                       | :- Ms. Vaani Kumari, Advocate                                   |

**11/28.08.2024:**

When the matter is called out, the learned counsels for the parties are present.

The learned counsel for the petitioner submits that his client is willing to pay the arrears amounting to Rs. 16 lakhs 50 thousand, apart from the money amounting to Rs. 5 lakhs, and therefore, his prayer for exemption from surrender may be allowed.

The learned counsel for OP No.2 has opposed the prayer for exemption from surrender of the petitioners and submitted that such payments cannot be made the grounds for exemption of petitioner from surrendering and there upon referred to judgment passed by the Hon'ble Apex Court in *Vivek Rai and Another versus High Court of Jharkhand through Registrar General and others* reported in (2015) 12 SSC 86, and also cited the judgment passed

by the Hon'ble Apex Court in *Daulat Singh versus The State of Madhya Pradesh in Special Leave Petition(Criminal) Diary No(s). 20900/2024* so, as to support his submission as to why the exemption from surrender may not be allowed.

In view of the submissions made by the learned counsels of both the parties, post this matter again on 11<sup>th</sup> September, 2024.

Meanwhile, interim order granted vide order dated 11.07.2024 is extended till 11.09.2024.

Abha/-

**(Ratnaker Bhengra, J.)**