

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10627 of 2020

Arising Out of PS. Case No.-297 Year-2019 Thana- PAKRIDAYAL District- East Champaran

1. Anil Mishra aged about 25 years, Male
2. Kumod Mishra @ Kamod Mishra aged about 22 years, Male
Both are sons of Surendra Mishra @ Surendra Mishra, resident of village –
Bara Shankar Mishra Tola, P.S. - Patahi, District – East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon

For the Opposite Party/s : Mr. Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-06-2020 Heard Mr. Dilip Kumar Tondon, learned counsel for

the petitioners and Mr. Bhanu Pratap Singh, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioners apprehend their arrest in connection with

Pakaridayal P.S. Case No. 297 of 2019 registered for the offence

punishable under Section 354(A), 354 (B) / 34 of the I.P.C. and

Section 67 (A) of the Information Technology Act.

The allegation against the petitioners as per the First

Information Report lodged by the informant Soni Devi is that

on the date of occurrence the informant was at her Naihar
(father's house) situated at Village- Dhanauji, District -East

Champaran, where all the accused persons namely, Deepak

Mishra , Anil Mishra (petitioner no. 1) and Kumod Mishra
(petitioner no. 2) arrived and entered into the room of the

informant and Deepak Mishra caught the neck and put



handkerchief on the nose of informant and petitioners caught her feet and arms and then she became senseless. It has further been alleged that in the morning when informant woke up she found herself in abnormal condition.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case due to oblique motive. Learned counsel further submits that both the parties are co-sharers and just prior to lodging of the present F.I.R. by the informant, father of the petitioners Surendra Mishra had lodged Patahi P.S. Case No. 88 of 2019 and Patahi P.S. Case No. 109 of 2009 against the father-in-law of the informant and other family members. Learned counsel further submits that during the course of investigation mobile phone of the co-accused Deepak Mishra was seized where photograph of the informant was available and the same was made viral from his mobile. Learned counsel further submits that there is no evidence, electronic or otherwise, available against these petitioners. Learned counsel further submits that charge sheet has already been submitted and there is no possibility that the petitioners will abscond or tamper with the evidence.

Having regard to the submissions made by the parties and taking into consideration the fact that both the parties are



co-sharers and photograph of the victim has been recovered from the mobile of the co-accused Deepak Mishra, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 5, East Champaran, Motihari in connection with Pakaridayal P.S. Case No. 297 of 2019 subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure with further condition:

(i) that the petitioners will be well represented on each date in the trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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