

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54166 of 2021

Arising Out of PS. Case No.-215 Year-2020 Thana- DHANAHA District- West Champaran

1. Govind Mishra @ Lekhpal Mishra Son of Bihari Mishra R/o Village- Tuniyahwa, P.S.- Dhanaha, District- West Champaran
2. Jugunu Mishra Son of Bihari Mishra R/o Village- Tuniyahwa, P.S.- Dhanaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Kumar Sharma

For the Opposite Party/s : Mr. Md. Nazir Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-04-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 366(A) of the Indian Penal Code and Section 8 of POCSO Act.

According to prosecution case, the informant namely Kamlavati Devi alleging therein that on 28.8.2020 her daughter went to east side of house in the morning due to call of nature. When she was returning then the accused person namely



Govind Mishra tried to misbehave with her. She told about the incident to her parents. When the other family member went to ask about the incident then they all pulled out "Lathi" (club) and other things in their hand and started abusing them. Due to threat family members of informant came inside their door. She further stated that they came at her house armed with lathi and spear in their hand. Thereafter, they started assaulting us. Informant further alleged that on 29.8.2020 a panchayati was secluded to be held, but in the meantime her daughter was kidnapped in the morning by the accused persons.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that in fact there is admitted land dispute between the parties and the present case is counter blast of Dhanaha P.S. Case No. 214 of 2020 filed by the father of the petitioners against the informant and his family members. He further submits that there is general and omnibus allegation against the petitioners and no specific overt act is attributed to him. He further submits that the statement of the victim recorded under Section 164 Cr.P.C. in which she has said that the petitioners and others took away the informant but no allegation of sexual assault is attributed against



the petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 13.06.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Dhanaha P.S. Case No. 215 of 2020, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court



below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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