

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67842 of 2021**

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

MUNNA MISHRA Son of Lalan Mishra Resident of Village- Tuniyahwa,
P.S.- Dhanha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Zainul Abedin, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 26-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 311, 341, 323, 354, 366A, 379/34 of the Indian Penal Code and Section 4 of the POCSO Act.

According to prosecution case, the informant namely Kamlavati Devi alleging therein that on 28.08.2020 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 misbehaved 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 29.08.2020 a panchayati was held, but in the meantime her daughter was kidnapped in the morning by the accused persons.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case only on the basis of suspicion. He further submits that the present case is counter blast of Dhanha P.S. Case No. 2014 of 2020 filed by the co-accused namely Bihari Mishra against the family members of the informant. He further submits that the statement of the victim girl was recorded under Section 164 of the Cr. P.C. in which she has said that the petitioner and other took away the daughter of the informant but no allegation of sexual assault against the petitioner and other co-accused persons. Further submits that similarly situated co-accused persons namely Govind Mishra and Jugunu Mishra have been granted bail by this Court vide



order dated 20.04.2022 in Cr. Misc. No. 54166 of 2021 and the petitioner is in custody since 31.08.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

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

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, 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 petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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