

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20242 of 2023

Arising Out of PS. Case No.-250 Year-2021 Thana- BAHERA District- Darbhanga

RAJIV MISHRA @ RAJIV KUMAR JHA S/o Late Divakant Mishra @
Sitaram Jha R/o Village- Maubehat, P.S.- Manigachi, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 354(B), 504 and 506 of the IPC.

Allegedly, all the F.I.R. named accused persons
including the petitioners came to the house of informant
armed with weapons and raised hulla and threatened to lift the
daughter of the informant. On alarm, they fled away and
petitioner and his associates assaulted each other at Chowk.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. He
has been falsely implicated in this case due to ulterior motive.
No such occurrence, in the manner as alleged, has ever taken



place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The alleged occurrence is said to have taken place on 31.10.2021 but the F.I.R. was lodged on 06.11.2021 i.e. after delay of more than 5 days and there is no explanation regarding the delay, which itself creates doubt about the prosecution case. It is further submitted that the present case is counter blast of Mangachi (Bajitpur O.P.) P.S. Case No.219/21, in which it was stated that one Abhishek Jha (co-accused of the present petitioner) was brutally assaulted by the informant's side and has died during treatment, for which, his father has filed a case against the informant's side of this case, vide Annexure-2 on 01.11.2021 and subsequently the present case has been filed by the informant's side. Petitioner has five criminal antecedent.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the



learned court below where the case is pending/Successor
Court in connection with Bahera P.S. Case No.250/2021 (G.R.
No.256/2021), subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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