

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9070 of 2025

Arising Out of PS. Case No.-260 Year-2024 Thana- PARASBIGHA District- Jehanabad

1. Sanjay Kumar S/o Late Baliram Sharma R/o Village- Shahpur, PS-Parasbigha, Distt.- Jehanabad
2. Mritunjay Kumar @ Mirtunjay Kumar S/o Late Baliram Sharma R/o vill - Shahpur, P.S.- Parasbigha, distt.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravinder Kumar Sharma, Advocate
		Mr. Vishal Sourabh, Advocate
For the Informant	:	Mr. Rohit Mishra, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 12-05-2025 Heard Mr. Ravinder Kumar Sharma, along with Mr. Vishal Sourabh, learned counsels appearing on behalf of the petitioners; Mr. Rohit Mishra, learned counsel appearing on behalf of the informant and Mr. Binod Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Parasbigha P.S. Case No. 260 of 2024 registered for the offence(s) punishable under Sections 126(2), 115(2), 118(1), 303(2), 74, 76, 109, 3(5) of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner along with other co-accused assaulted the informant and her mother-in-law and disrobed her.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case. Allegation, as alleged, cannot sustain in view of the fact that it is admitted by the parties that there is land dispute between them in respect of Khata No.294, Khesra No.496 and this Court, vide order dated 29.11.2024 passed in CWJC No.18220 of 2024, had directed to maintain *status quo*. There is case and counter case between the parties and the first case has been lodged by the petitioner no.1 bearing bearing Parasbigha P.S. Case No. 260 of 2024 and just a day after lodging of the said FIR, the present FIR has been lodged by the Informant, implicating the petitioners in a false criminal case. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Mr. Rohit Mishra, learned counsel appearing on behalf of the informant has informed that the specific allegation made against the petitioner no.2 is that he has intentionally disrobed the informant to outrage her modesty and the petitioners don't deserve to be released on pre-arrest bail.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Considering the rival submissions made on behalf



of the parties, as well as, the allegation made in the FIR I find that there is an existing land dispute between the parties in respect of Khata No.294, Khesra No.496 and this Court vide order dated 29.11.2024 passed in CWJC No.18220 of 2024 had directed to maintain *status quo*. There is case and counter case between the parties and the first case has been lodged by the petitioner no.1 bearing bearing Parasbigha P.S. Case No. 260 of 2024 and just a day after lodging of the said FIR, the present FIR has been lodged by the Informant, implicating the petitioners in a false criminal case, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

8. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Jehanabad/court concerned in connection with Parasbigha P.S. Case No. 260 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

9. The learned District Court is directed to verify



the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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