

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8097 of 2025

Arising Out of PS. Case No.-446 Year-2024 Thana- PARBATTa District- Khagaria

- 1. Bhawesh Mishra S/O Late Binod Hazari Res. Of Vill.- Dumaria Buzurg, P.S.-Parbatta, Dist.- Khagaria
- 2. Khagesh Mishra S/O Late Binod Hazari Res. Of Vill.- Dumaria Buzurg, P.S.-Parbatta, Dist.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 8459 of 2025

Arising Out of PS. Case No.-446 Year-2024 Thana- PARBATTa District- Khagaria

NIKETA KUMARI @ NIKETA BHARTI Wife of Rishabh Kumar Daughter of Nalin Kumar Ray, Resident of Village - Dumariya Bujurg, P.S.- Parbatta, District - Khagaria, At present Resident of Village - Sonbarsa, P.S.- Bihpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 8097 of 2025)
For the Petitioner/s : Mr. Rajesh Kumar, Adv
For the Informant : Mr. Nishant Kumar, Adv
For the Opposite Party/s : Ms. Pushpa Sinha.1, APP
(In CRIMINAL MISCELLANEOUS No. 8459 of 2025)
For the Petitioner/s : Mr. Rahul Kumar Singh, Adv
Mr. Pramod Kumar Singh, Adv
For the Informant : Mr. Nishant Kumar, Adv
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 24-06-2025 Heard learned Counsels for the petitioners and learned
counsel for the informant as well as learned A.P.P for the State.

2. The petitioners seek regular bail in a case registered



for the offences punishable under Sections 103(1), 61(2) of the B.N.S. and Section 27 of the Arms Act.

3. As per the prosecution case, on 13.11.2024 at about 6:00 A.M., the informant along with her husband was plucking flowers at the gate. In the meantime, the petitioners along with 7-8 unknown accused persons armed with weapon came and started abusing them and firing upon the informant and her husband with an intention to kill them. It is further alleged that on the instruction of one Puja Devi, the co-accused persons, namely, Vikram Kumar, Dilkush Kumar and Rishabh Kumar fired upon the informant's husband due to which he died. Thereafter, a suspicion was raised by the informant that all the named accused persons including the petitioners had conspired together to kill her husband and the mastermind was Pawan Kumar Mishra who was operating the entire plan while he was on duty in CRPF.

4. Submission on behalf of petitioners namely Bhawesh Mishra and Khagesh Mishra.

Learned counsel for the petitioners has submitted that the petitioner no. 1 Bhawesh Mishra is working in B.S.F as a Head Constable at Tripura whereas the petitioner no. 2 Khagesh Mishra is a farmer and they both are own brothers and have



falsely been implicated in this case and they had no concern whatsoever with the dispute between the family of the informant and Pawan Kumar Mishra. Learned counsel for the petitioners has submitted that though the petitioners are named in the FIR, however, there is no specific overt act alleged against them rather the specific allegation of firing is upon the co-accused Vikram Kumar, Dilkush Kumar and Rishabh Kumar. It is next submitted that even during the course of investigation certain witnesses have given their statements and they have not alleged anything against the petitioner. It is also submitted that in the CCTV footage also the petitioners have not been found at the place of occurrence. It is lastly submitted that the petitioners have clean antecedent and are in custody since 14.11.2024.

5. Submission on behalf of petitioner namely Niketa Kumari.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that the petitioner was married to one of the co-accused Rishabh Kumar around 8 months back and had no concern with the said incident and she was arrested from her *myka*. It has also been submitted that the petitioner is a pregnant lady and there is no specific overt act alleged against her barring



the allegation that she had conspired with the other co-accused persons in executing the killing of the informant's husband. It is lastly submitted that the petitioner has clean antecedent and is in custody since 14.11.2024.

6. Learned counsel for the informant as well as learned APP for the state has vehemently opposed the prayer for bail and stated that the petitioner are named in the FIR and there is allegation against them of killing the husband of the informant. It is further stated that the petitioners are distantly related and they had conspired with the main accused, namely, Pawan Kumar Mishra in executing the said incident. It is also submitted that the post-mortem report supports the allegation as alleged in the F.I.R., hence, the petitioners should not be released on bail.

7. Considering the aforesaid submissions of the parties and taking into account the fact that there is no specific overt act alleged against the petitioners and also considering the period of custody, let the petitioners above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Khagaria, in connection with Parbatta P.S. Case No. 446 of 2024, subject to the



following conditions:-

(i) One of the bailors will be close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) The petitioners shall not approach the informant or any family member of the informant either to coerce or threaten during the pendency of the trial.

(v) The learned 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 antecedents, 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.

8. The applications stand allowed.

9. However, it is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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