

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11285 of 2025

Arising Out of PS. Case No.-207 Year-2024 Thana- MUSAHARI District- Muzaffarpur

Rakesh Mishra Son of Late Ramchandra Mishra R/O - Narauli Sen, P.S.-
Mushahari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Mushahari P.S. Case No. 207 of 2024 registered for the alleged offences under Sections 126(2), 115(2), 117(2), 76, 303(2), 64, 62, 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of the Prohibition of Witch Practices Act, 1999.

03. As per prosecution case, petitioner entered into the backyard of house of the informant and caught hold of his minor daughter, tore her clothes and assaulted her sexually. When the informant and his family members intervened in the matter, they were also assaulted by the petitioner and his family members. They also tried to forcibly administered excreta to the wife of the informant by calling her witch.



04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. There is land dispute between the parties and a Probate Case No. 10 of 1998 with regard to joint family property was filed, which was rejected on 04.05.2022. The informant had been putting pressure on the petitioner and his family member to accept his claim and for this reason, the present false case has been lodged. The occurrence took place on 29.07.2024 but the information was given to the police only on 31.07.2024, without any explanation for the delay. Moreover, all the family members of the petitioner have been made accused in this case on the basis of an unbelievable story. Learned counsel further submits that none of the independent witnesses supported the prosecution version. The petitioner had been doing private job in Delhi and due to custody in this case for more than more than six months, his family is on the verge of starvation. Learned counsel further submits that the petitioner is having antecedent of one case in which he is on bail. The petitioner is in custody since 02.08.2024 and charge-sheet has been submitted. Learned counsel further submits that the charge-sheet was not submitted under any provision of the POCSO Act.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the petitioner tried to outrage the



modesty of minor daughter of the informant.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class/Muzaffarpur (East)/court concerned in connection with Mushahari P.S. Case No. 207 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

