

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27453 of 2025

Arising Out of PS. Case No.-223 Year-2024 Thana- RAXAUL District- East Champaran

Abhishek Mishra Son of Prabhat Mishra village- Gonhra, Ps- gonhara, Ps-
Raxaul, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rishabh Mishra, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-05-2025 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Raxaul P.S. Case No. 223 of 2024 lodged on 13.10.2024, for the offence punishable under Sections 341, 323, 325, 307, 379, 504, 506/34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against the petitioner and one another alleging that the accused persons have attacked the informant with a view to kill by the use of towel, surrounded his neck. It is further alleged that the petitioner has assaulted by an iron rod to the informant, due to which, he was brutally injured, and he got fractured. Allegation of snatching of Rs. 50,000/- has also been alleged in the FIR.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He submits that the allegation as made in the FIR is absolutely wrong and not acceptable. He submits that the injury report is attached and the said injury report indicates that the injury is not like that of mentioned in the FIR. He submits that no bone injury was found as per the medical report. He further submits that the petitioner is a news reporter of local crime newspaper and he used to collect and publish the news without fear and it is due to this reason, conspiracy used to going on against him. He has alleged in his news reports published on various dates which he has published from time to time. He further submits that there are total nine criminal cases pending against the petitioner and out of which, he has been acquitted in two cases namely, Raxaul P.S. Case No. 111 of 2014 and Raxaul P.S. Case No. 289 of 2017 and against other cases, he is on bail. He further submits that the petitioner is ready to fulfill all the conditions and he submits that the present case has been lodged only due to the reason that the informant has taken Rs. 4,75,000/- from the petitioner's father and filed a case under the NI Act, bearing Complaint No. 484 of 2023 which is pending before the Court of SDJM Raxaul. He submits that with a view to take the revenge and to make pressure on the petitioner, the present case



has been filed.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the antecedent of the petitioner is not clean and he is basically a habitual offender. On the case filed against the informant by the petitioner's father, relating to cheque bouncing under NI Act, he has said nothing.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from the records, it transpires that the petitioner is working as news reporter for crime newspaper, series of reports are attached.

7. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the Bharatiya Nagarik Suraksha Sanhita, 2023 to the satisfaction of Learned Chief Judicial Magistrate, Motihari, East Champaran in connection with G.R. No. 643 of 2024 arising out of Raxaul P.S. Case No. 223 of 2024 subject to the conditions as laid down U/s 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. It is made clear that at the time of surrender before



the Trial Court, the trial court shall verify that the petitioner is not absconding in any of the cases pending against him. If it has been found that petitioner is absconding in any of the cases, pending against him, then his bail bonds shall not be accepted.

(Dr. Anshuman, J)

Sudhanshu/-

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