

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60635 of 2025

Arising Out of PS. Case No.-355 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

-
1. Ravi Bhushan Mishra S/o- Sri Krishna Kumar Mishra R/o- Sri Krishna Nagar Ps- Motihari Town Dist- East Champaran at Motihari
 2. Krishna Kumar Mishra S/o- Late Krit Narayan Mishra R/o- Sri Krishna Nagar Ps- Motihari Town Dist- East Champaran at Motihari
 3. Mithilesh Devi W/o- Sri Krishna Kumar Mishra R/o- Sri Krishna Nagar Ps- Motihari Town Dist- East Champaran at Motihari

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Dipak, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Motihari Town P.S. Case No. 355 of 2021 registered for the offences punishable under Sections 341, 323, 354(B), 379, 504, 506 & 34 of the IPC.

3. As per prosecution case, Petitioner nos. 1, 2 and 3 are said to have concertedly abused and assaulted the informant's wife. It is further alleged that petitioner no. 1 assaulted informant's wife by means of bamboo upon her leg and back due to which she fell down and then petitioner no. 1 tried to press the neck of informant's wife with intention to kill and also undressed her. It is



further alleged that when informant came to rescue his wife then all the accused persons assaulted him by means of lathi and danda on his arms and back. It is further alleged that petitioner no. 1 snatched Rs. 10,000/- from the pocket of the informant and also snatched gold earring worth Rs. 30,000/- from informant's wife. It is further alleged that wife of petitioner no. 1 also pulled the hair of informant's wife and assaulted the informant's children.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. Learned counsel for the petitioners submits that informant is the own brother of petitioner no.1 whereas petitioner nos. 2 and 3 are father and mother of the informant. It is further submitted that it is beyond stretch of imagination as alleged in the FIR that petitioner no. 1, 2 and 3 being brother, father and mother of the informant have committed the alleged occurrence. Learned counsel further submits that all sections areailable in nature except Sections 354 (B) and 379 of IPC which is nothing but super addition just to make the offence grave. On account of land dispute between the parties, petitioners have falsely been implicated in the case. Learned counsel further submits that allegation levelled against the petitioners are false, concocted and baseless. Apart from that, `petitioners bears no criminal antecedent

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners and submits that



petitioners are FIR named accused persons and they cannot absolve from the liability made in the FIR.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, petitioners are family members of the informant, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Motihari Town P.S. Case No. 355 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

vashudha/-

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

