

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69406 of 2024

Arising Out of PS. Case No.-208 Year-2024 Thana- BIKRAMGANJ District- Rohtas

1. Niraj Mishra Son of Muralidhar Mishra Resident of Village - Durgadih, P.S. - Bikramganj, District - Rohtas
2. Bablu Mishra @ Prem Shankar Mishra @ Udlu Mishra Son of Niraj Mishra Resident of Village - Durgadih, P.S. - Bikramganj, District - Rohtas
3. Damdul Mishra @ Durga Dutt Mishra Son of Late Sri Niwas Mishra Resident of Village - Durgadih, P.S. - Bikramganj, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69964 of 2024

Arising Out of PS. Case No.-208 Year-2024 Thana- BIKRAMGANJ District- Rohtas

1. Sonu Dubey @ Rakesh Kumar Sonu @ Tarkeshwar Nath Dubey @ Tarkeshwar Nath Debey S/o Ramji Dubey R/o vill - Durgadih, P.s. - Bikramganj, Distt. - Rohtas
2. Abhishek Kumar @ Abhishek Mishra @ Chhotu Mishra S/o Raju Mishra R/o vill - Durgadih, P.s. - Bikramganj, Distt. - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69406 of 2024)

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

(In CRIMINAL MISCELLANEOUS No. 69964 of 2024)

For the Petitioner/s : Mr. Brij Bihari Tiwary, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025 Heard Mr. Brij Bihari Tiwary, learned counsel for
the petitioners, learned counsel for the informant and Mr.



Rajendra Prasad Nat, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bikramganj P.S. Case No. 208 of 2024, F.I.R. dated 14.04.2024, for the offences punishable under Sections 147, 149, 341, 323, 307, 376, 504, 506 of the I.P.C.

3. According to prosecution case, petitioners along with other accused persons have assaulted to the informant and her family members. It is further alleged that the accused persons have also tried to outrage the modesty of the informant.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR that due to admitted land dispute the present occurrence had taken place. He further submits that there is a case and counter case between the parties. Although, there is specific allegation against the petitioners that they have committed rape upon the family member of the informant but the medical report of the family member of the informant suggests that no such occurrence had taken place. In the supervision report it has come that no such occurrence had taken place and the informant had filed the present case only to grab the land of the petitioner. Petitioner



had filed an application to the officer in charge of Police Station, Bikramganj on 02.12.2023.

5. The learned Additional Public Prosecutor as well as informant, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that there is specific and direct allegation against the petitioners in the F.I.R.

6. Considering the aforesaid facts and circumstances and nature of allegation let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M, Bikramganj (Rohtas) in connection with Bikramganj P.S. Case No. 208 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the 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 antecedent, the court below shall take step for cancellation of bail bonds 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.

(Rajesh Kumar Verma, J)

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