

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13062 of 2026

Arising Out of PS. Case No.-442 Year-2025 Thana- BAHERA District- Darbhanga

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PRADEEP KUMAR MISHRA @ PRADEEP MISHRA S/o Lalan Mishra @
Sri Lalan Jee Mishra Resident of Village- Bikupatti, Police Station- Bahera,
District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX W/o YYYY R/o vill - Bikupatti, P.S.- Bahera, Distt.- Darbhanga

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr.Nirmal Kumar Sinha, APP
For the Informant	:	Mr.Rohit Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 28-04-2026 Heard Mr. Nilendu Kumar Choudhary, learned
counsel appearing on behalf of the petitioner, Mr. Nirmal Kumar
Sinha, learned APP for the State and Mr. Rohit Ranjan, learned
counsel appearing on behalf of informant.

2. The petitioner seeks pre-arrest bail in connection
with Bahera P.S. Case No. 442/2025 registered for the
offence(s) punishable under Sections 126(2), 115(2), 118(1),
62, 76, 303(2), 351(2), 352, 3(5), 118(2) of the BNS and
Sections 8, 12 of the Protection of Children From Sexual
Offences Act.

3. As per the allegation made in the FIR, the
petitioner, acting with common intention, attempted sexual



assault upon the informant's daughter during the night and, on the following morning, the petitioner and others allegedly entered the house, assaulted the informant and her family members, committed theft of cash and ornaments, and fled upon arrival of the police.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case due to village politics and longstanding land dispute between the parties, who are close agnates. The present case has been instituted only to counterblast Bahera P.S. Case No. 428/2025 dated 04.11.2025, which was lodged by the side of the petitioner regarding an earlier occurrence dated 01.11.2025, wherein the informant's family members had allegedly assaulted the petitioner's family and taken away ornaments. In order to save themselves and to pressurize the petitioner for compromise, the present FIR has been lodged on 10.11.2025 with considerable and unexplained delay for an alleged occurrence of the night of 31.10.2025/01.11.2025. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. *Per contra*, Mr. Rohit Ranjan, learned counsel



appearing on behalf of the informant, vehemently opposed the prayer for pre-arrest bail and submitted that the petitioner had attempted to commit rape and the victim has supported the allegation in her statement recorded under Section 183 of the BNSS, and as such, the petitioner does not deserve to be released on pre-arrest bail.

6. Mr. Nirmal Kumar Sinha, learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, I am of the opinion that the allegations in the FIR are serious in nature, involving attempt to commit rape and assault. Considering the nature of allegation and gravity of the accusation, I am not inclined to enlarge the petitioner on pre-arrest bail.

8. Accordingly, the present bail petition stands rejected.

9. The petitioner, if so advised, may seek regular bail before the learned District Court. The learned District Court is directed to pass a necessary order, in accordance with law, on the basis of materials available on record, on the same day the bail application is filed, without any



**further delay and without being prejudiced by any
observation made by this Court.**

(Purnendu Singh, J)

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