

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23165 of 2026

Arising Out of PS. Case No.-423 Year-2023 Thana- BHAGWAN BAZAR District- Saran

Rakesh Kumar Mishra S/O Ganesh Datt Mishra @ Ganesh Datt Mishra R/O
Vill.- Bahuriya Kothi, Nai Bazar , P.S- Bhagwan Bazar, Dist- Saran at
Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyanshu Kumar Singh, Advocate
For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2026 Heard Mr. Priyanshu Kumar Singh, learned counsel
for the petitioner and Ms. Veena Kumari Jaiswal, learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bhagwan Bazar P.S. Case No. 423 of 2023, F.I.R. dated 27.10.2025 for the offences punishable under Sections 147, 148, 149, 188, 290, 153(A), 295, 295(A), 296, 337, 338, 307, 332, 333, 353, 427 and 120(B) of the IPC and Section 9 of Bihar Control of use and play of Loudspeaker Act.

3. According to prosecution case, some unsocial element pelted stones upon the procession of Goddess Durga when it reached near Masjid.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is named in the FIR but there is no specific allegation of assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the similarly situated co-accused, namely, Arslan Khan @ Kallu and another have been granted anticipatory bail by this Court vide order dated 15.07.2025 passed in Cr. Misc. No. 39854 of 2025 and another co-accused, namely, Sanjay Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 22.05.2024 passed in Cr. Misc. No. 32926 of 2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, there is no specific allegation against the petitioner and the similarly situated co-accused persons have been granted anticipatory bail, let the petitioner, above named, in the event of his 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-II, Saran



at Chapra in connection with Bhagwan Bazar P.S. Case No. 423 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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