

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30701 of 2026

Arising Out of PS. Case No.-34 Year-2026 Thana- MAIRWAN District- Siwan

1. Rajesh Kushwaha S/o Jugeshwar Kushwaha Resident of Titra Takiya, PS - Mairwa, District - Siwan.
2. Asha Devi W/o Rajesh Kushwaha Resident of Titra Takiya, PS - Mairwa, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-05-2026 Heard the parties.

2. The petitioners are named in the F.I.R. and apprehending their arrest in connection with Mairwa P.S. Case No. 34 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 118, 109, 74, 303(2), 352, 351(2), 3(5) of BNS.

3. As per FIR petitioner alongwith co-accused persons/ family members alleged to outrage the modesty of the daughter of the informant and when it was objected, they assaulted informant and other family members by using hockey stick causing several head and



bodily injuries.

4. It is submitted by learned counsel appearing on behalf of the petitioners that allegation is specifically available against co-accused Prince Kushwaha, as to outrage the modesty and also to assault the informant and his family members by using hockey stick. It is pointed out that petitioner no. 1 is brother of the Prince Kushwaha, and petitioner no. 2 is the *bhabhi* i.e., wife of petitioner no. 2 and being immediate family members they were implicated with present crime in question without attributing any overt act. While concluding arguments, it is submitted that petitioners claimed clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as the allegation of outraging and also of physical assault *prima-facie* not appears specifically available against petitioners, coupled with the fact that the implication of petitioners who are wife and



husband *prima-facie* appears being the immediate family members of the main co-accused Prince Kumar against whom thrust of allegation is available, accordingly both above-named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge IX, Siwan /concerned Court, where the case is pending in connection with Mairwa P.S. Case No. 34 of 2026, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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