

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35754 of 2026

Arising Out of PS. Case No.-31 Year-2026 Thana- MAHILA P.S. District- Samastipur

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Bittu Mishra @ Nitesh Kumar Mishra Son of Umesh Mishra Resident of
Village - Mishra Tola, Ward No. - 9, P.S. - Rosera, District - Samastipur
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Uma Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 25-05-2026 Heard the learned counsel for the petitioner and

the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No. 31 of 2026, for allegedly having committed offence under Sections 70(1), 143(2), 351(2) and 3(5) of the BNS and Section 3(2), (k), 4 & 5 of the Immoral Traffic (Prevention) Act, 1956.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that she had a talk with one Dilip Kumar through whatsapp call and thereupon, on the request made by the said Dilip Kumar, she came to Samastipur. When the informant reached at Samastipur Railway Station on 19.03.2026,



she called Dilip Kumar. Thereupon, the said Dilip Kumar called his friend, namely, Bauna @ Suresh Giri and he came there to receive her and took her in a toto rickshaw from Samastipur Railway Station to Babu Saheb Mutton House Hotel of Yashwant Singh. At the hotel, the co-accused Dilip Kumar told her to indulge in immoral trafficking and on 23.03.2026 at about 3:30 hours, four persons, including the petitioner came there by giving reference of said Dilip Kumar and committed rape on her and thereafter, all the accused persons, including the petitioner took her to another hotel in a Scorpio vehicle. They again committed rape on her and thereafter, they left her and fled away. The informant called Dilip Kumar, who came and took her to Hotel Yashwant. She was offered money by Dilip Kumar and after that she was dropped to Samastipur Railway Station by the said Dilip Kumar and his friend Bauna.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has no committed any offence. The name of the petitioner transpired in this case on the confessional statement made by the co-accused Dilip Kumar. The petitioner has been falsely implicated in this case by Dilip Kumar, due to previous enmity. The informant on her own came from Kolkata to Samastipur and the petitioner is not involved in



any immoral traffic act. The allegation of rape against the petitioner is a concocted story. He further submits that the petitioner is an accused in four other cases, however, the same are of different nature.

5. The learned APP for the State vehemently opposes the prayer for bail and submits that the petitioner committed rape upon the informant and then, took her to another place and there also committed rape with some others. The petitioner along with others fled away, leaving her at the same place. The petitioner has got four criminal antecedents and if he will be released on bail, he will indulge in illegal activities.

6. Having heard the rival submission and after going through the records, it appears that the petitioner along with three others committed rape upon the informant and he has been named as an accused by the informant. The submission of the learned counsel for the petitioner as stated in paragraph no. 7 of the anticipatory bail petition, to the effect that the name of the petitioner transpired on the confessional statement of co-accused Dilip Kumar is entirely incorrect, since in the First Information Report itself, the informant has named the petitioner. The petitioner is an accused in four other cases. Considering the fact that the petitioner committed rape upon the informant, this Court



is not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, the prayer for grant of anticipatory bail petition of the petitioner is rejected.

(Ritesh Kumar, J)

Ajay/Rakesh/-

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