

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58992 of 2025

Arising Out of PS. Case No.-68 Year-2025 Thana- KUSHESHWARASTHAN District-
Darbhanga

=====

Shivpujan Mukhiya S/O Arjun Mukhiya Resident of Village- Usarighat, P.S-
Kusheshwar Ashthan, Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi W/O Lalit Mukhiya R/O Village- Bagrasi, P.S- Badgawn, Distt.-
Darbhanga.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 23-02-2026 Jointness affidavit filed by learned counsel for the
petitioner is hereby accepted.

2. Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

3. The petitioner seeks bail in connection with
Kusheshwar Ashthan P.S. Case No. 68 of 2025, instituted for the
offences punishable under Sections 64, 126(2), 127(2), 115(2),
74, 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

4. The prosecution case, in short, is that the petitioner
along with other co-accused kidnapped the minor daughter of
the informant and have committed rape upon her.



5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submitted that the petitioner has been arrested only on the basis of suspicion. There is previous land dispute between the parties. It is next submitted that the allegation levelled against the petitioner is general and omnibus in nature. It is further submitted that medical report of the victim does not support the prosecution case. The petitioner is in custody since 16.03.2025 and has got no criminal antecedent.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and has submitted that there is direct and specific allegation levelled against the petitioner. It is next submitted that the victim has supported the prosecution case in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, the petitioner does not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner at this stage.



8. The prayer is rejected. The trial Court is directed to expedite the Trial. However, if the trial is not concluded within a period of six months from the date of receipt/production, the petitioner will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

