

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88800 of 2025

Arising Out of PS. Case No.-240 Year-2025 Thana- MOTIHARI TOWN District- East
Champaran

-
1. Rakesh Kumar Mishra @ Rakesh Mishra S/o Late Asheshwa Mishra R/o Village - Sri Krishna Nagar, Near - Sapahi Devi, P.S - Town Motihari, District - East Champaran.
 2. Ashish Kumar Mishra @ Ashish Mishra S/o Rakesh Kumar Mishra @ Rakesh Mishra R/o Village - Sri Krishna Nagar, Near - Sapahi Devi, P.S - Town Motihari, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 09-01-2026 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection
with Motihari Town P.S. Case No.240 of 2025 instituted under
Sections 126(2), 115(2), 118(1), 351(3), 3(5) of the B.N.S.,
2023.

3. As per the prosecution case, the informant who is a
student of 9th standard has alleged that on account of some
dispute between him and petitioner no.2, the principal of school
of had called parents of both of them but they did not went. It is
alleged that on the next date petitioner no.1 had threatened the



father of the informant that he will abduct the informant. It is further alleged that on 23.03.2025 when the informant returned from his school, the petitioners alongwith other accused persons have attacked on the informant with knife over his head on the order of petitioner no.1 due to which he sustained injuries.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He further submits that the petitioner no.1 is said to be the order giver whereas the allegation against the petitioner no.2 is that he assaulted the informant with knife but the injury report suggests the nature of injury as simple in nature. Learned counsel submits that petitioners were not present at the place of place on the alleged date of occurrence but due to previous dispute their names have been implicated in this case. He further submits that petitioner no.2 is a young student of 18 years, having got clean antecedent and petitioner no.1 has one criminal antecedent, in which he is on bail and they undertake to cooperate in the investigation and trial of the case.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event



of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari/ concerned Court in connection with Motihari Town P.S. Case No.240 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Sunil Dutta Mishra, J)

Ritik/-

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

