

In the Court of Ram Prakash Yadav, Additional Sessions Judge-VIII, Sitamarhi.

Anticipatory Bail Petition No. 125/2026

Arising out of Sursand P.S. Case. No.- 22/2026

Ravi Mishra @ Ravi Kumar & Ors Vs. State dated:- 28.04.2026

For the Petitioners - Ld. Advocate Sri Ram Hriday Chaudhary

For the State - Ld. APP Sri Vishwanath Prasad

ORDER

28.04.2026

1. The instant anticipatory bail petition received on 21.04.2026 by the order of Respected Principal District & Sessions Judge, Sitamarhi, which was filed on behalf of the accused/petitioners namely, **1. Ravi Mishra @ Ravi Kumar 2. Vinod Mishra @ Vinod Prasad Mishra 3. Bragish Chaube @ Bragish Kumar** in apprehension of their arrest in connection with **Sursand P.S. Case. No.- 22/2026**, registered for the offence u/s. 126(2), 115(2), 117(2), 109, 3(5) of BNS, 2023.

2. Ld. Counsel on behalf of the accused/petitioners has submitted that apart from this anticipatory bail, no any other bail petition is pending before any other court or before Hon'ble High Court, Patna. He further submitted that the accused/petitioners have no any connection with the alleged offence and have been falsely implicated in this case. Further submitted that the accused/petitioner no. 1 Ravi Mishra has criminal antecedent Excise Sitamarhi PS Case No.- 474/22 and Sursand PS Case No.- 196/20 which has been disposed in the light of compromise and accused/petitioner no.- 2 has criminal antecedent Sursand PS Case no.- 438/25 in which he is on bail. Further submitted that the allegation alleged against the accused/petitioners is completely false, fabricated and baseless and has no any connection with the truth. Further submitted that treatment of Sonalika Kumari was done in the Sadar Hospital, Sitamarhi and on the basis of fardbayan Sitamarhi PS Case no. 21/26 was registered and to safe the skin from this case the informant registered this case to make criminal pressure. The investigation against the accused/petitioners are continued and there is strong possibility of arrest, so they may be enlarged on pre-arrest bail.

3. Ld. A.P.P Sri Vishwanath Prasad on behalf of informant have opposed the prayer for anticipatory bail of the accused/petitioners.

4. Having gone through the FIR it appears that informant Sitish Choubey, alleged that on 04/01/2026 at about 09:30 AM, he was at tea stall meanwhile, 1. Bragish Choubey, 2. Ravi Mishra, 3. Vinod Mishra, all three together came at the tea stall and Bragish Choubey, with the intention of killing him, assaulted him on the forehead with an iron rod, and he got head injury, Ravi Mishra and Vinod Mishra together assaulted at his right leg with an iron rod, and his leg got fractured and both of them together assaulted at his right hand with an

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iron rod, and his wrist and his left hand finger got injured. From perusal of case record and case diary it appears that there is case and counter case amongs the parties and there are several cases pending amongs them. Further appears that there is land dispute exist amongs them. Further appears that one accused/petitioner is about 65 years old person and remaining two accused are 31 & 18 years old youth.

5. In the case of ***Sushila Agarwal Vs. State (NCT of Delhi) 2020 5 SCC 1*** the constitutional bench of Hon'ble Supreme Court in para 78, it is clarified that the court should keep the following points as guiding principals in dealing with applications u/s 438, Cr.P.C (now section 482 BNSS) :-

(i) When a person apprehend arrest and approaches in Court for anticipatory bail, his apprehension of arrest has to be based on complete facts and not vague or general allegations relating to a specific offence or particular offences.

(ii) While weighing and considering an application for grant of anticipatory bail the court has to consider the nature of offence, the role of a person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses, likelihood of fleeing justice (such as leaving the country), etc.

6. In so far as criminal antecedent of accused/petitioner is concerned it is not the case that accused/petitioner might tamper with or intimidate witness before or during the investigation or trial and also not placed any material that applicant in passed attempt to evade the process of law. Hence, the court does not feel it proper to deny anticipatory bail to the accused/petitioner just on the basis that he had criminal history. In the case of ***Prabhakar Tiwari Vs. State of U.P. & Another (2020) 11 SCC 648*** the Hon'ble Supreme Court has observed that pendency of several criminal cases against an accused may itself cannot be a basis of refusal of bail.

7. In so far as criminal antecedent of accused/petitioner is concerned it is not the case that accused/petitioner might tamper with or intimidate witness before or during the investigation or trial and also not placed any material that applicant in passed attempt to evade the process of law. Hence, the court does not feel it proper to deny anticipatory bail to the accused/petitioner just on the basis that he had criminal history. In the case of ***Prabhakar Tiwari Vs. State of U.P. & Another (2020) 11 SCC 648*** the Hon'ble Supreme Court has observed that pendency of several criminal cases against an accused may itself cannot be a basis of refusal of bail.

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8. The supreme Court in case of *Satender Kumar Antil Vs. C.B.I. and Anr. (2022) 10 SCC 51* of para no. 68 has observed that criminal courts in general with the trial court in particular are the guardian angle of liberty. Liberty, as embedded in the court, has to be preserved, protected and enforced by the criminal courts. In conscious failure by the courts would constitute and affront to liberty. It is the pious duty of the criminal court to zealously guard and keep a consistent vision in safeguarding the constitution values and ethos. A criminal court must uphold the constitutional thrust with responsibilities mandated on them by acting taking to a high pieced.

9. Hence, in the view of the judgments of Hon'ble Supreme Court and considering all facts and circumstances as age of accused persons, nature of evidence and injury report. This Court is of the view to inclined them the benefit of pre-arrest bail. So anticipatory bail application of the accused/petitioners is hereby **allowed.**,

10. Let the accused/petitioners namely, **1. Ravi Mishra @ Ravi Kumar 2. Vinod Mishra @ Vinod Prasad Mishra 3. Bragish Chaube @ Bragish Kumar** be released on anticipatory bail in respect of the offences discussed in para.-1, in the event of their arrest or surrender before the Court below within one month from the date of receipt of this order, on their furnishing bail bond of **Rs.10,000/- (ten thousand only)** with two sureties of like amount by each petitioners, with the satisfaction of the Court concerned, subject to the conditions as follows:-

I. The accused/petitioners shall furnish their and their family member's mobile number, whatsapp number and email id and if these are not available they shall furnish an affidavit about their submission.

II. They shall undertake that they will always keep their mobile an active mode and share their location with the investigating officer/in-charge of police station/court concern as and when ordered.

III. They shall give all available addresses including permanent address, current address or any other address where they may reside along with the proof thereof.

IV. They shall also undertake that they will notify to the investigating officer/in-charge of police station/court concern in case of change of address or mobile number.

V. One of the bailors shall be family members or close relatives or co-resident of the petitioners.

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VI. The bailors shall also furnish their mobile number, whatsapp number and email id and if these are not available they shall furnish an affidavit about his submission and they shall undertake to always keep their mobile in an active mode.

VII. They shall also undertake to :-

- (a) co-operate in the investigation and during trial.
- (b) not to indulge in any kind of criminal activity and
- (c) they shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police office.

VIII. In case of default of any of the conditions, the Investigating Officer shall be at liberty to file appropriate application for cancellation of protection granted to the accused/petitioners.

11. It is clarified that the observations if any made in this order are strictly confined to the disposal of the bail application and must not be construed to have any reflection on the ultimate merits of the case as reiterated by the Hon'ble Supreme Court in the case of ***Rohit Bisnoi Vs. State of Rajasthan (2023) SCC Online S.C. 870.***

12. Let order be uploaded on CIS and copy of order (if any) be sent to the concerned trial court for information and needful.

(Dictated & Corrected)

Sd/-

(Ram Prakash Yadav)
Additional Sessions Judge-VIII,
Sitamarhi
28.04.2026