

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18369 of 2025**

Arising Out of PS. Case No.-586 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

Jagdish Prasad Son of Late Basu Sah Resident of Village -Chharadwali, PS-
Gopalpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20228 of 2025

Arising Out of PS. Case No.-586 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

Hari Shankar Sah @ Hari Thakur @ Hari Shankar Prasad Son of Late Laxmi
Sah Resident of Village - Bankatwa, Parau Tola, P.S. - Lauriya, District - West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18369 of 2025)

For the Petitioner/s : Mr. Karandeep Kumar, Adv

For the Opposite Party/s : Mr. Anish Chandra, APP

(In CRIMINAL MISCELLANEOUS No. 20228 of 2025)

For the Petitioner/s : Mr. Ashok Kumar Gupta, Adv

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER**

4 11-07-2025 Heard learned Counsel for the petitioners and learned
A.P.P for the State.

2. Both the applications are arising from the same P.S
Case i.e. Motihari Town P.S. Case No. 586 of 2024, hence, they
are being heard together and are being decided by a common



order.

3. The petitioners seek regular bail in a case registered for the offences punishable under Sections 84, 87, 143(2) and 3(5) of the B.N.S.

3. As per the prosecution case, the petitioners and other co-accused persons are alleged to have enticed the informant's sister and sold her for prostitution.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that the petitioners are not named in the F.I.R. and their name has surfaced during the course of investigation. It is next submitted that no such incident of kidnapping or selling of the victim had occurred and it is also submitted that the victim was recovered within six days of lodging of the F.I.R. It is next submitted that the statement of the victim (informant's sister) was recorded under Section 183 of the B.N.S.S., wherein she has stated that the petitioner, Jagdish Prasah had pressed her neck whereas the petitioner Hari Shankar had assaulted her, however, there is no injury with regard to the same. It is also submitted that no allegation of sexual assault has been made against the petitioners and she had also refused for medical examination. It is further submitted that



similarly situated co-accused persons, namely, Savita Devi and Baka Sah have already been granted by this Court vide order dated 19.06.2025 passed in Cr. Misc. No. 241 of 2025 and Cr. Misc. No. 29806 of 2025 respectively. It is lastly submitted that the petitioners have clean antecedent and are in custody since 13.09.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail and has stated that the petitioners were involved in selling and buying of girls and they had tried to sell the victim in order to indulge her in the business of prostitution.

6. Considering the aforesaid submissions of the parties and also considering the statement of the victim as well as the period of custody, let the petitioners above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran in connection with Motihari Town P.S. Case No. 586 of 2024, subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the



bail, the bail bonds of the petitioners will be liable to be canceled by the Court concerned.

(iv) the petitioners shall not approach the informant or any of the family members and the victim girl to either coerce or threaten during the pendency of the trial.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. The applications stand allowed.

8. However, it is made clear that the observations, if any, made in this order shall be of no bearing during the trial.

(Sourendra Pandey, J)

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