

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59034 of 2025

Arising Out of PS. Case No.-190 Year-2025 Thana- Kavaiya District- Lakhisarai

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1. Sharwan Mandal @ Sharwan Kumar, S/o- Late Hari Mandal, resident of Vill- Pachana Road, Sabji Mandi, Ward No. -16 P.S. -Kabaiya Dist-Lakhisarai.
 2. Puja Devi @ Puja Kumari, W/o- Sharwan Kumar @ Sharwan Mandal, resident of Vill- Pachana Road, Sabji Mandi, Ward No. -16 P.S. -Kabaiya Dist-Lakhisarai.
 3. Monti Kumar @ Aryan Kumar, S/o- Late Mohit Gupta, resident of Vill- Pachana Road, Sabji Mandi, Ward No. -16 P.S. -Kabaiya Dist-Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deeksha Kumari (Fictitious name), D/o- Umesh Kumar (Fictitious name), R/o- State Bank Gali, Adarsh Nagar, Ward No.-23, P.S. - Kabaiya Dist-Lakhisarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate.
For the State : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Kabaiya P.S. Case No. 190 of 2025 dated 17.05.2025 registered for the offences punishable under Section 64 and 3(5) B.N.S.

3. As per allegation, the informant was ravished by co-accused Aditya Kumar and only allegation against the petitioners is that the complaint was made to the family of



Aditya Kumar, Aditya Kumar and the petitioners herein, went to the house of the informant and extended threat that if she lodged any case, she would be eliminated.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. He further submits that as a matter of fact, the main allegation against co-accused Aditya Kumar and the petitioners have been falsely implicated in this case on account of being family members and being a next door neighbour.

5. It is also stated in paragraph No. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph No.3 of the petition that the petitioner Nos. 1 and 3 have been made accused in another case in which they are on bail whereas petitioner No. 2 has clean antecedent.

7. Learned APP for the State fairly concedes that the allegation is mainly against co-accused Aditya Kumar and there is no allegation against the petitioners except to extend threat for not filing a criminal case in the matter.

8. Considering that there is no allegation of rape against the petitioners, **this petition is allowed**, directing the



petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned court below, in connection with Kabaiya P.S. Case No. 190 of 2025 subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents other than disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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