

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5763 of 2026

Arising Out of PS. Case No.-118 Year-2025 Thana- MAHKAR District- Gaya

Shankar Kumar Son of Rajesh Manjhi R/o Village - Nai Bazar, P.S. - Mahakar, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Manoj Manjhi Son of Suresh Manjhi R/o Village - Nai Bazar, P.S. - Mahakar, District - Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 06-04-2026 Heard Mr. Anil Kumar Saxena, learned counsel appearing on behalf of the petitioner and Mr. Uday Pratap Singh, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Mahakar P.S. Case No. 118 of 2025 registered under Sections 137(2), 140(3) of the BNS.

3. As per the allegation made in the FIR, the informant's minor daughter, aged about 14 years and 6 months, went to Nai Bazar for tuition and did not return thereafter despite search.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and he has



falsely been implicated in the present case on account of his acquaintance with one Rohit Kumar. The petitioner was not named in the FIR and his name has surfaced in course of investigation. The petitioner is a labourer and he has no connection with the alleged occurrence. In the statement of the victim recorded under Section 183 of the BNSS she has not alleged that the petitioner has committed any sexual wrong with her. Other accused has already been granted anticipatory bail by this Court *vide* order dated 09.10.2025 passed in Cr. Misc. No.71221 of 2025. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having considered the nature of allegations made in the FIR and the materials available on record, and taking into account that the petitioner was not named in the FIR and his name surfaced during the course of investigation, in her statement recorded under Section 183 of the BNSS the victim has not alleged that the petitioner has committed any sexual offence against her, and further



considering that similarly situated co-accused has already been granted anticipatory bail by this Court, I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on anticipatory bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned District Court where the case is pending in connection with Mahakar P.S. Case No. 118 of 2025, subject to the condition as laid down under Section 482 of the BNSS//438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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