

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18198 of 2026

Arising out of PS. Case No.-729 Year-2021 Thana- MOTIHARI TOWN District- East
Champaran

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Chandan Sahani Son of Late Brahamdeo Sahani Resident of village -
Lakhoura Braham Tola, Motihari, East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aakash Choudhary, Adv.

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

4 27-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in Motihari P.S. Case No.
729 of 2021 registered for an offence under Sections 341, 323,
324, 307, 379, 504, 506/34 of IPC corresponding to Sections
126(2), 115(2), 118(1), 109, 303(2), 352, 351(2 &3) of BNS,
2023.

3. The allegation is that the informant was robbed of
Rs. 36,000/- by the accused persons. The specific allegation
against the petitioner is that he kicked and assaulted the
informant.

4. Learned counsel for the petitioner submits that the
case is not one of dacoity and that the parties were known to
each other. It is further submitted that the petitioner is also



accused in Motihari P.S. Case No. 613 of 2021 under Sections 363, 120(B), 354, 504, 506/34 of the IPC, which was lodged by the same informant, indicating prior animosity between the parties.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. This Court has considered the submissions advanced by learned counsel for the petitioner and the vehement opposition of learned Additional Public Prosecutor for the State. The petitioner is in custody since 04.12.2025, which is approximately six months as of the date of this order. The specific allegation against the petitioner is limited to kicking and assaulting the informant, and it is not alleged that the petitioner was the primary perpetrator of the offence of robbery. The cross-case registered at the instance of the same informant against the petitioner, i.e., Motihari P.S. Case No. 613 of 2021 under Sections 363, 120(B), 354, 504, 506/34 of IPC, is indicative of pre-existing animosity between the parties, which circumstance cannot be entirely excluded from consideration at the stage of bail. Having regard to the limited and specific role attributed to the petitioner, the prior enmity between the parties, the period of custody already undergone, and without expressing



any opinion on the merits of the case, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Motihari P.S. Case No. 729 of 2021.

8. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Ansul, J)

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