

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33052 of 2026

Arising Out of PS. Case No.-632 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Chandan Kumar @ Chandan Kumar Shah @ Chandan Kumar @ Sah Son of Amarnath Sah Resident of Village- Siswa Banjariya, P.S.- Banjariya, District- East Champaran, Motihari
 2. Kundan Kumar @ Nandan Kumar Son of Amarnath Sah Resident of Village- Siswa Banjariya, P.S.- Banjariya, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

3 20-07-2026

Heard Mr. Rajesh Kumar, learned counsel for the

petitioners and Mr. Akshay Lal Pandit, learned APP for the State.

2. Looking to the nature of the specific allegation levelled against petitioner no.1, after some arguments, learned counsel for the petitioners seeks permission to withdraw the present application insofar as petitioner no.1 is concerned.

3. Permission is granted.

4. Accordingly, the instant application as against the petitioner no.1 is dismissed as withdrawn.

5. Now, this application is being heard only with regard to the petitioner no.2.

6. The petitioner apprehends his arrest in connection with Muffasil P.S. Case No.632 of 2025, registered for the offence punishable under Sections 126(2), 127(2), 115(2), 118(1), 74, 79, 303(2), 3(5) of the Bharatiya Nyaya Sanhita.



7. As per the FIR, the accused persons intercepted the informant and his sister, assaulted the informant with sharp-edged weapons when he protested, misbehaved with his sister and snatched away her gold chain before fleeing from the place of occurrence.

8. Learned counsel for petitioner no.2 submits that he is innocent and has been falsely implicated in the present case. It is submitted that no specific allegation has been attributed to petitioner no.2, whereas petitioner no.1 is specifically alleged to have committed the overt act resulting in the injuries sustained by the informant. It is further submitted that the anticipatory bail application on behalf of petitioner no.1 has already been withdrawn. Lastly, it is submitted that petitioner no.2 has no criminal antecedent.

9. On the other hand, the learned APP for the State has opposed the prayer for bail of the petitioner.

10. Considering the facts and circumstances of the case and taking into account that the specific allegation of assault is against petitioner no.1, whose anticipatory bail application has already been withdrawn, let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM., Motihari, East Champaran/Successor Court in connection with Muffasil P.S. Case No.632 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:

(i) One of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/ personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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