

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35654 of 2026

Arising Out of PS. Case No.-4 Year-2026 Thana- MAHILA P.S. District- Saharsa

Nand Kumar S/o Tribhuwan Prasad Yadav Resident of Village- Dhamsaini,
Ward No.- 46, P.S.- Saharsa, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-06-2026 Heard Mr.Amarnath Jha, learned counsel for the

petitioner as well as Mr.Damodar Prasad Tiwary, learned

Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
30.01.2026 in connection with Saharsa (Mahila) P.S. Case No.
04 of 2026, F.I.R. dated 29.01.2026 for the offences punishable
under Sections 64(1), 62 and 3(5) of the Bharatiya Nyay Sanhita
,2023

3. According to prosecution case, it is alleged that
some unknown persons tried to commit rape upon the informant
by luring when she went for her medical check-up in hospital.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent. Initially the petitioner was not
named in the FIR. The name of the petitioner has been



transpired during investigation on the basis of suspicion and except the suspicion, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence, apart from that, it appears that the petitioner has not committed any offence as alleged in the FIR, apart from that, co-accused persons, namely, Krishna Kumar has been granted bail by this Court vide order dated 04.05.2026 passed in Cr. Misc. No. 29483 of 2026. Co-accused person, namely, Ankit Kumar @ Ankit Kumar Jha has been granted bail by this Court vide order dated 06.05.2026 passed in Cr. Misc. No.30779 of 2026. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 30.01.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and co-accused persons have been granted bail by this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Saharsa in connection with Saharsa (Mahila) P.S. Case No. 04 of 2026, subject to the



following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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