

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51258 of 2026

Arising Out of PS. Case No.-100 Year-2026 Thana- KOTWA District- East Champaran

1. Vikash Sharma S/o Late Parmanand Sharma @ Late Pramanand Sharma Resident of Village- Chiutaha, P.S.- Kotwa, District- East Champaran
2. Dhanman Kumar Sharma @ Dhanman S/o Anchit Sharma Resident of Village- Madhubani, P.S.- Sangrampur, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raushan Raj, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-07-2026 Initially, learned counsel for the petitioners submits that, due to an inadvertent mistake, he could not mention the correct case number in the prayer portion of the bail petition. He undertakes that such a mistake shall not be repeated in future.

2. Accordingly, learned counsel for the petitioners is directed to remove the said defect during the course of the day.

3. It is very unfortunate situation that, after the filing of a case, the Stamp Reporting Section is required to verify each and every file. However, on several occasions, this Court has noticed that the Stamp Reporting Section has failed to discharge its duties properly, as a result of which such defects continue to remain in the case file even after stamp reporting, thereby



causing inconvenience to the Bench in the conduct of judicial proceedings.

4. Accordingly, the concerned Assistant Section Officer/Dealing Assistant and the Section Officer are directed to file their respective explanations along with an unconditional apology.

5. The Court Master is directed to keep the said explanations and apologies in safe custody. In the event that a similar lapse is committed in future by the aforesaid Assistant Section Officer/Dealing Assistant or the Section Officer, the Court shall recommend for initiation of departmental proceeding against them annexing the said explanations and apologies.

6. Heard Learned Counsel for the petitioners and Learned APP for the State.

7. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioners who apprehend arrest in connection with Kotwa P.S. Case No. 100 of 2026, lodged on 02/03/2026, under Sections 336(3)/318(4)/316(2)/3(5) of the Bhartiya Nyaya Sanhita, 2023.



8. As per the prosecution, FIR has been lodged against seven named accused persons including the present petitioners with allegation that the accused persons have sold the informant's land illegally by way of committing fraud.

9. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that the informant and seller of the land are claiming land from a common person, namely, Ganga Prasad Mishra. He submits that in para-10 it has been stated that the land in question originally belongs to late Ganga Prasad Mishra who died leaving behind two sons, namely, Late Rajnandan Prasad Mishra & Late Rajeshwar Prasad Mishra and one daughter, namely, Late Raj Kumari Devi. Later on Rajnandan Prasad Mishra died leaving behind two sons, namely, Hirendra Kumar Mishra & Dipendra Kumar Mishra and one daughter, namely, Pramila Devi. Counsel submits that the petitioner No.1 is the purchaser and the petitioner No.2 is the witness. Counsel submits that the criminal antecedent of the petitioner No.2 is clean. However, the petitioner No.1 has four criminal antecedents. Counsel further submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon him.



10. Learned APP for the State opposes the prayer for bail of the petitioners.

11. Considering the statement made in Paragraph-10, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of learned Judicial Magistrate, 1st Class, Motihari, East Champaran/Successor Court, in connection with Kotwa, P.S. Case No. 100 of 2026 subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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