IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74930 of 2026

CNR No. BRHC011055592026

Arising Out of PS. Case No.-403 Year-2025 Thana- KOTWA District- East Champaran

==========

1. Shashtri Mishra @ Shastri Kumar S/O Kamlesh Mishra
2. Sachitanand Mishra @ Sachitanand Kumar Mishra S/O Kamlesh Mishra
3. Shyamakant Mishra S/O Kamlesh Mishra
4. Himanshu Kumar S/O Prabhu Raut
5. Sunita Devi W/O Prabhu Raut

All are Resident of Village- Fatua Navada, P.S.- Kotwa, Dist- East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
Mr.Sitesh Kashyap, Advocate
For the Opposite Party/s : Mr.Amitesh Kumar, APP
For the informant : Mr. Krishna Kant Singh, Advocate
Mr. Sujit Kumar, Advocate

==========

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 04-11-2026 Considering that petitioners no.1, 2 and 3 have three criminal antecedent each, learned counsel appearing on behalf of the petitioners seeks to withdraw the present bail application with a liberty to the petitioners to surrender and seek regular bail before the learned district court.

2. Considering the aforesaid submission made on behalf of the petitioners, **petitioners no.1, 2 and 3, if so advised, may surrender before the learned District Court and seek regular bail**. In that case, the learned District Court is

WEB COPY

directed to consider the bail application of the petitioners no.1, 2 and 3 on the same day and pass necessary order on the basis of material which has come in course of investigation without delay.

3. The petitioners no.4 and 5 seek pre-arrest bail in connection with Kotwa P.S. Case No. 403 of 2025 registered for the offence(s) punishable under Sections 126(2), 127(2), 115(2), 117(2), 74, 303(2), 352, 351(2) and 3(5) of the BNS.

4. As per the allegation made in the FIR, the accused persons named therein including the petitioners assaulted the informant and his family members with an intention to kill, causing injuries.

5. Learned counsel appearing on behalf of the petitioners submitted that the petitioners no.4 and 5 are innocent and have falsely been implicated in the present case. Learned counsel further submitted that general and omnibus allegation has been alleged against the petitioners no.4 and 5 that they assaulted the wife of the informant by means of *danda*, as a result of which, she became unconscious, and no specific allegation of assault on any part of body of the informant's wife has been alleged against the said petitioners. The allegation is ornamental in nature, as no injury report of the wife of the

WEB COPY

informant has come. Petitioner no.4 has clean antecedent, whereas petitioner no.5, who is a lady, has one criminal antecedent, in which she is on bail. On these grounds, the petitioners no.4 and 5 seek to be released on pre-arrest bail

6. Learned counsel appearing on behalf of the informant and learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and considering the allegation being general and omnibus, I am of the opinion that petitioners no. 4 and 5 have, *prima facie*, made out a case to be released on pre-arrest bail.

8. The petitioners no.4 and 5, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four 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 learned J.M., 1st Class, Motihari, East Champaran / Concerned Court in connection with Kotwa P.S. Case No. 403/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

9. The learned District Court is directed to verify

WEB COPY

the criminal antecedent of the petitioners no.4 and 5 and if it is found that the petitioners no.4 and 5 are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

10. The bail application, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

U		T	

WEB COPY