

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79014 of 2025

Arising Out of PS. Case No.-729 Year-2023 Thana- BAGHA District- West Champaran

Khushbun Nesha @ Khushbu Nesha Wife of Naushad Ansari @ Lakdu
Resident of Village - Kolhua, Police Station - Chautarwa, District - West
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Faiyaz Sah Son of Nurain Sah Resident of Village - Kolhua, Police Station -
Chautarwa, District - West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shahbaj Alam
For the Opposite Party/s : Mr. Md. Fahimuddin

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 06-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present application has been filed for
cancellation of anticipatory bail granted by the learned court of
Incharge Additional Chief Judicial Magistrate-1st Bagaha, West
Champaran dated 16.06.2025 passed in Bagaha (Patkhauli) P.S.
Case No. 729 of 2023.

3. Learned counsel for the petitioner has submitted
that despite the fact that the specific suspicion has been raised
against the opposite party no. 2, making his case stand on a
different footing from the other accused persons of this case
coupled with the fact that the SHO Patkhauli had already filed
an application dated 21.12.2024 before the Magistrate



concerned indicating that the provision has been converted from one under Section 365 to 364 of the Indian Penal Code, the learned court concerned has not taken these facts into consideration and has rather wrongly recorded the present case to be one under Section 365 of the IPC. It has also been submitted that the bail has been granted despite the petitioner being an accused in four other criminal cases and the victim is still traceless coupled with the fact that the charge-sheet has also not been submitted as yet against the opposite party no. 2.

4. Upon perusal of the order dated 16.06.2025 granting bail to the opposite party no. 2, it is found that the opposite party no. 2 has been granted provisional bail till submission of charge-sheet with the condition that the bailors would be co-villagers.

5. Considering such fact that the provisional bail has been granted only till submission of the charge-sheet, this Court finds no reason to interfere with the order dated 16.06.2025 whereby the provisional bail has been granted to the opposite party no. 2. However, SHO and the Investigating Officer is directed to conclude the investigation making it reach to its logical end and once the charge-sheet is filed before the court concerned, the learned Court would pass an order in accordance



with law as to whether the provisional bail granted to the opposite party no. 2 is fit to be confirmed or rejected and in such consideration the factum of the victim being traceless, would also be a relevant factor.

6. With such observations, the present application is disposed of.

7. A copy of this order be communicated to S.H.O/ Investigating Officer of Bagaha (Pathkauli) P.S. for necessary action.

(Soni Shrivastava, J)

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