IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79997 of 2026

CNR No. BRHC011125782026

Arising Out of PS. Case No.-808 Year-2026 Thana- MOTIHARI TOWN District- East Champaran

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Chinta Devi W/O Chandeshwar Prasad Kushwaha, R/o Village- Lain Baswariya @ Baswariya, P.S.- Ghorasahan, DIST.- East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shamir Mehra, Advocate
Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Motihari Town P.S. Case No. 808 of 2026 dated 23.08.2026, registered for the offences punishable under Sections 93, 143(4) and 3(5) of the B.N.S., 2023 and Sections 80 and 81 of Juvenile Justice Act, 2015.

3. As per the prosecution case, the allegation against the petitioner is of purchasing a new born baby.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. The parents of the new born baby voluntarily handed over the baby to the petitioner though

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some amount was received by the co-accused persons. Petitioner is a childless lady and she acted out of genuine desire to raise a child. The biological parents voluntarily gave their child to the petitioner because they already had four-five children. Learned counsel next submits that petitioner is having clean antecedent. Learned counsel lastly submits that petitioner is in custody since 25.08.2026.

5. Learned A.P.P. appearing on behalf of the State vehemently opposes the submissions made on behalf of the petitioner and submits that from the FIR it is clear that petitioner gave Rs. 4,50,000/- to co-accused persons for getting the child as she was childless.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioner is a lady and also considering her clean antecedent and her period of custody, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East-Champaran, Motihari / concerned Court, in connection with **Motihari Town P.S. Case No. 808 of 2026**, subject to the condition laid down under

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Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial Court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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