

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3637 of 2026

Arising Out of PS. Case No.-486 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Chandan Kumar, S/o Bhushan Sahani @ Bhushan Sahni
 2. Bhola Sahani, S/o Darshan Sahani, Both are village - Jhitkahiya, P.S.-
Lakhaura, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kariman Ram S/o Late Ram Lal Ram R/o vill - Jhitkahiya, P.s.- Lakhaura,
Distt.- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore @ Kundan Kumar, Advocate
For the Opposite Party/s : Mrs. Usha Kumari 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 11-05-2026 Heard Mr. Kundan Rathore @ Kundan Kumar,

learned counsel appearing on behalf of the petitioner and Mrs.

Usha Kumari 1, learned APP for the State.

2. At the outset, learned counsel appearing on behalf
of the petitioner seeks to withdraw the present bail application
on behalf of petitioner no. 1 with a liberty to the petitioner no. 1
to surrender before the learned District Court and seek regular
bail.

3. Considering the aforesaid submission made on
behalf of the petitioner no. 1, the petitioner no. 1, if so advised,
may surrender before the learned District Court and seek regular
bail. In that case, the learned District Court may consider to
disposed of the bail application of the petitioner no. 1 on the



same day on the basis of material which has come in course of investigation.

4. The petitioner no. 2 seeks pre-arrest bail in connection with Muffasil (Lakhaura) P.S. Case No. 486 of 2023 registered for the offence punishable under Sections 341, 323, 342, 354, 354B, 376, 541/34 of the Indian Penal Code, Sections 3(i)(r)(s) of the SC/ST Act and Section 8 of the POCSO Act.

5. As per the allegation made in the FIR, petitioners along with other accused person, had allegedly tried to commit wrong with the minor daughter of the informant.

6. Learned counsel appearing on behalf of the petitioners submitted that petitioner no. 2 is innocent and he has falsely been implicated in the present case. General and omnibus allegation has been levelled against petitioner no. 2. Other similarly situated co-accused person, namely, Ranjit Kumar has been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 23.10.2024 passed in Cr. Misc. No. 74057 of 2024. Petitioner has clean antecedent. On these grounds, petitioner no. 2 seeks to be released on pre-arrest bail.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

8. Having heard the rival submissions made on behalf



of the parties, as well as, the fact that general and omnibus allegation has been levelled against petitioner no. 2 in the FIR. Other similarly situated co-accused person, namely, Ranjit Kumar has been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 23.10.2024 passed in Cr. Misc. No. 74057 of 2024. Petitioner no. 2 has clean antecedent, I am of the opinion that petitioner no. 2 has, *prima facie*, made out a case to be released on pre-arrest bail.

9. The petitioner no. 2, above named, is directed to be released on pre-arrest bail, in the event of his/her 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 the learned District Court where the case is pending, in connection with Muffasil (Lakhaura) P.S. Case No. 486 of 2023, subject to the condition as laid down under Section 482(2) of the BNSS.

10. The learned District Court is directed to verify the criminal antecedent of the petitioner no. 2 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner no. 2 as what has been stated in paragraph no. 3, this order will lose its force



automatically.

11. Accordingly, the present bail application stands disposed of.

(Purnendu Singh, J)

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