

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (DB) No.1259 of 2024

Arising Out of PS. Case No.-233 Year-2022 Thana- ARA NAWADA District- Bhojpur

Chait Mushar Son of Late Dasrath Mushar, Resident of Village- Kakila, P.S- Jagdishpur, District- Bhojpur

... .. Appellant

Versus

- 1. The State of Bihar
- 2. Mr. X

... .. Respondents

with

CRIMINAL APPEAL (DB) No. 76 of 2025

Arising Out of PS. Case No.-233 Year-2022 Thana- ARA NAWADA District- Bhojpur

Mukhtar Mushhar S/o Lalan Mushhar R/o Village - Kakila, P.S.- Jagdishpur, Dist- Bhojpur (Bihar)

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

(In CRIMINAL APPEAL (DB) No. 1259 of 2024)

For the Appellant : Ms. Surya Nilambari, Advocate

For the State : Mr. Abhimanyu Sharma, Addl PP

(In CRIMINAL APPEAL (DB) No. 76 of 2025)

For the Appellant : Mrs. Puspanjali Sharma, Advocate

For the State : Mr. Parmeshwar Mehta, Addl PP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
and
HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

11 24-04-2026 I.A No. 2 of 2026 in Criminal Appeal (DB) No. 1259 of 2024

At the outset, learned counsel for the appellant submits that some typographical error has inadvertently taken place in giving the P.S. name and number of the case. Permission has been sought to correct the same.

2. Permission is granted. Let the correction be carried



out.

3. By filing this interlocutory application, learned counsel for the appellant in Criminal Appeal (DB) No. 1259 of 2024 has informed this Court that in paragraph '13' of the common order dated 17.03.2026, passed in Criminal Appeal (DB) No. 76 of 2025 and Criminal Appeal (DB) No. 1259 of 2024, there appears to be a typographical omission as a result whereof the appellant Chait Mushar in Criminal Appeal (DB) No. 1259 of 2024 could not be released so far.

4. It is submitted that considering the submissions of learned counsel for the appellants, this Court directed suspension of their sentence and release on bail during pendency of the appeal on furnishing personal bail bonds, however, inadvertently, it appears that the requirement of two sureties of the like amount have also remained in the order. It is submitted that this appeal has been filed through Patna High Court Legal Services Committee and the appellant Chait Mushar has no resources and the family member to stand surety. Learned counsel has interacted with the Jail Authorities and has found that there is no one to connect with him in jail.

5. Mr. Abhimanyu Sharma, learned Additional Public Prosecutor for the State is present and submits that so far as the condition for providing bail bond of Rs.25,000/- with two sureties



of the like amount is concerned, the same seems to be an omission as considering this fact that this Court had directed release of the appellant on furnishing personal bail bonds, the requirement of giving a sum of Rs.25,000/- and two sureties should not have been there.

6. Having regard to the kind of submissions made before this Court, this Court is of the considered opinion that the following part of the paragraph '13' of the order dated 17.03.2026 is required to be omitted:- In the third line "of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each" shall be omitted.

7. The appellants shall be released on furnishing personal bonds to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Judge, POCSO, Bhojpur in terms of paragraph '13' of the order dated 17.03.2026 but without seeking bail bond of Rs.25,000/- with two sureties of the like amount.

8. I.A. No. 2 of 2026 stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

(Soni Shrivastava, J)

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