

**In the Court of Sessions Judge, East Champaran at Motihari.**

Present:-

Abhishek K. Das,  
Sessions Judge,  
East Champaran at Motihari

**Anticipatory Bail Petition No. 424 of 2026**

1. Tiwari Rai, aged about 40 years, S/o- Dhuri Rai.
2. Shambhu Rai, aged about 60 years, S/o- Late Sinhasan Rai.
3. Ekabal Rai, aged about 55 years, S/o- Dhupa Rai.
4. Mritunjay Rai, aged about 24 years, S/o- Shambhu Rai.
5. Kanchan Rai, aged about 35 years, S/o- Dhuri Rai.

All R/o village- Akauna, P.S. Chiraiya, District- East Champaran.

----- Petitioners.

Versus

The State of Bihar

----- Opposite party.

Counsel for the Petitioners:- Sri Ramdhani Singh, Advocate

Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.

**26.03.2026**

This anticipatory bail petition is filed on behalf of the petitioners, namely, (1) Tiwari Rai, (2) Shambhu Rai, (3) Ekabal Rai, (3) Mritunjay Rai and (5) Kanchan Rai, who are apprehending their arrest in connection with Trial No. 4547/2024 arising out of Complaint Case No. 624/2013 u/ss 406, 323 and 380 of Indian Penal Code.

**In para-2 of the anticipatory bail petition, it is mentioned that no other anticipatory or regular bail petition has ever been filed on behalf of the petitioners either in this Court or before the Hon'ble Patna High Court. As per para-3 of the anticipatory bail petition, the petitioners have no criminal antecedent, except the petitioner Tiwari Rai against him Chiraiya P.S. Case No. 433/2023 and Dhaka P.S. Case No. 483/2023 have been registered.**

As per complaint petition, Dhuri Rai had taken Rs. 80,000/- from the complaint to execute his land in favour of complainant, but he subsequently refused to execute the land, upon which the complainant convened Panchyati between the parties and demanded his money, but the petitioners abused him and Tiwari Rai (petitioner) put country made pistol on the temple of complainant and Shambhu Rai and Ekbal Rai (petitioners) obtained the complainant's thumb impression on a plain

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**Continued**

paper, while other accused persons looted the complainant's house and also took away cash Rs. 20,000/-.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have committed no offence. In fact, no such type of occurrence took place. All the sections are bailable, except Sections 380 and 406 of I.P.C. which are not being made out in this case.

The learned Public Prosecutor appearing on behalf of the State has opposed the prayer for anticipatory bail.

Heard both sides and perused the record alongwith Trial Court Record. From perusal of T.C.R., it transpires that the process u/s 82 of Cr.P.C. has been issued and process u/s 83 of Cr.P.C. has ordered to be issued against the petitioners by the learned Court below. The petitioners are evading the process of law.

Thus, in the facts of the case and in terms of order of Hon'ble High Court, Patna vide order dated 11.09.2024 passed in Cr. Misc. No. 59892 of 2024 (**Maya Sinha & Anr. vs. the State of Bihar & Anr.**) and a judgment passed by the Hon'ble Supreme Court of India in the case of **Prem Shankar Prasad vs. State of Bihar & Anr.** reported in (2022) 14 SCC 516, this anticipatory bail petition is not maintainable as the process u/s 82 and 83 of Cr.P.C. have been issued against the petitioners, and accordingly, it is **dismissed**.

(Dictated)

Sd/-

Sessions Judge  
East Champaran at Motihari  
26.03.2026