

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

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

Anticipatory Bail Petition No.428 of 2026

1. **Sunil Kumar, S/o- Nami Sah @ Nami Mahto, aged about 32 years,
Resident of village- Hira Pakan, P.S.- Manuapul, District- West Champaran**
----- **Petitioner**
Versus
The State of Bihar ----- **Opposite party.**

Counsel for the Petitioner :- Sri Kameshwar Pd. Sinha, Advocate.
Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.

11-03-2026

This is an anticipatory bail petition filed on behalf of the above-named petitioner-accused, who is apprehending his arrest in connection with Pakaridayal P.S. Case No.110 of 2015 for the offences u/s 302, 201 and 120(B) of the I.P.C.

The prosecution case, in brief, is that on 07-08-2015 at about 08:30 A.M. the informant received information that a dead-body of unknown person is lying in litchi orchard of one Bhairo Prasad. Thereafter, the informant went there and found that a dead-body is lying there and there is injury over neck and dead-body and he also found blood stain there. The informant claims that some unknown persons have committed murder of deceased by chopping his neck.

In para-2 of the anticipatory bail petition, it is mentioned that no other regular or anticipatory bail petition has ever been filed either in this Court or before any other Court. In para-3 of the anticipatory bail petition, it is mentioned that petitioner has two criminal antecedents vide (1) Bairiya P.S. Case No.229 of 2025 and (2) Motihari Excise P.S. Case No.1084 of 2025.

The learned counsel for the petitioner-accused has submitted that the petitioner-accused is innocent and he has committed no offence and has falsely been implicated in this case due to local party politics. It is further submitted that the petitioner is not named accused in the F.I.R. and no any incriminating article has been recovered from the petitioner. The name of petitioner surfaced in this case from the

confessional statement of co-accused Sonalal Kumar in Bairiya P.S. Case No.19 of 2017. On these basis, it is prayed to allow this anticipatory bail petition.

The learned Public Prosecutor appearing on behalf of the State has opposed the prayer for anticipatory bail of the petitioner-accused on the basis of materials available in the case diary.

Heard both sides and perused the certified copy of F.I.R., case diary as well as documents available on record. As per F.I.R., there is allegation that one Shaytam Pandey was murdered by some unknown person. As per para-22 of the supplementary case diary, petitioner is said to be the seller of motorcycle of deceased, which was looted from the deceased after committing his murder. As per para-3 of the bail petition itself, the petitioner has two criminal antecedents. As per para-152 of the supplementary case diary, process u/s 82 Cr.P.C. has already been issued against the petitioner.

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 the judgment passed by the Hon'ble Supreme Court of India in 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 of Cr.P.C. has been issued, and accordingly, it is **dismissed**.

(Dictated)

Sd/-
Sessions Judge
East Champaran at Motihari
11-03-2026