

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

Present:-

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

Anticipatory Bail Petition No. 1101 of 2026

1. **Banshidhar Prasad, aged about 73 years, S/o- Late Asharfi Prasad.**
R/o village- Saraiya Banjaria, P.S. Paharpur, District- East Champaran.
----- **Petitioner.**

Versus

The State of Bihar ----- **Opposite party.**

Counsel for the Petitioner :- Sri Rambabu Singh, Advocate

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

18.03.2026

This anticipatory bail petition is filed on behalf of the petitioner, namely, Banshidhar Prasad, who is apprehending his arrest in connection with Rajepur P.S. Case No.42/2019 u/ss 409 and 420 of Indian Penal Code.

In para-2 of this anticipatory bail petition, it is mentioned that no other anticipatory or regular bail petition has ever been filed on behalf of the petitioner either in this Court or before the Hon'ble High Court, Patna. In para-3 of this anticipatory bail petition, it is mentioned that petitioner has no criminal antecedent.

As per F.I.R., the petitioner and other co-accused persons committed irregularity in respect of construction of Angabari building and when the records were called for from them, the same was not provided.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has committed no offence. The petitioner has already submitted his charge-slip (records) to the office of B.D.O. concerned relating to Nonimal Panchayat which was handed over to Panchayat Secretary Sri Kedar Ram on 04.08.2014. The B.D.O. Mehshi has already issued a memo no. 82 dated 16.01.2019 which clearly reveals that the petitioner has already handed over his charge to Sri Kedar Ram. It is further submitted that no case under reference is being made out against the petitioner as he has not cheated anyone nor has defalcated a single farthing of government money. It is further submitted that co-accused Kedar Ram has already been granted anticipatory bail by the Hon'ble Patna High Court vide Cr. Misc. No. 45947/2019. On these basis, it is prayed to allow this anticipatory bail petition.

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Continued

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

Heard both sides and perused the record alongwith case diary. From perusal of para-136 of the case diary, it appears that process u/s 82 of 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 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 of Cr.P.C. has been issued against the petitioner, and accordingly, it is **dismissed**.

(Dictated)

Sd/-

Sessions Judge
East Champaran at Motihari
18.03.2026