

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

Present:-

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

**Anticipatory Bail Petition No. 1124 of 2026**

1. **Rohit Giri, aged about 20 years, S/o- Pramod Giri.**  
R/o village- Parsa, Ward No.13, P.S. Pakaridayal, District- East Champaran.  
----- **Petitioner.**  
**Versus**  
**The State of Bihar** ----- **Opposite party.**

**Counsel for the Petitioner :- Sri Ankit Kashyap, Advocate**  
**Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.**

**04.04.2026**

This anticipatory bail petition is filed on behalf of the petitioner Rohit Giri, who is apprehending his arrest in connection with Pakaridayal P.S. Case No. 259 of 2024 u/ss 109 of Bharatiya Nyaya Sanhita, 2023 and 25(1-B)a, 26 and 27 of Arms Act.

**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 petitioner either in this Court or before the Hon'ble Patna High Court. As per para-3 of the anticipatory bail petition the petitioner has no criminal antecedent.**

As per F.I.R., the petitioner Rohit Giri alongwith Laxman Kumar and another person reached near the informant Laxman Kumar opened fire upon him, resulting in gunshot injury on his knee with oozing blood. Laxman Kumar was apprehended by the informant alongwith a country made pistol and the petitioner Rohit Giri and another persons managed to escape from there.

The learned counsel for the petitioner has submitted that the petitioner is innocent and he has committed no offence. The petitioner was neither apprehended from the spot nor anything incriminating has been recovered from his possession. In fact, during course of investigation police did not find the accusation of petitioner to be true and submitted charge-sheet against other co-accused persons, but learned Trial Court has taken cognizance the petitioner also. The apprehended

co-accused Laxman Kumar has been granted regular bail by this Court vide B.P. No. 3137/2025.

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

Heard both sides and perused the Trial Court Record. From perusal of the record, it transpires that the learned Trial Court has taken cognizance u/s 109 of B.N.S. and 25(1-B) a, 26 and 27 of Arms Act against the petitioner and other co-accused vide order dated 18.02.2025. Thereafter, the learned Court below has issued process of B.W. and N.B.W. against the petitioner, but the petitioner did not turn up before the Court. Lastly, as per order dated 27.11.2025 by the learned Trial Court, process u/s 82 of Cr.P.C. has been issued on 11.12.2025 against the petitioner. As per service report dated 12.02.2026, attached with the record, process u/s 82 Cr.P.C. has been executed against the petitioner. The petitioner is 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 of Cr.P.C. has been executed against the petitioner, and accordingly, it is **dismissed**.

**(Dictated)**

**Sd/-**

**Sessions Judge**  
**East Champaran at Motihari**  
**04.04.2026**