

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

Present:-

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

Anticipatory Bail Petition No. 1293 of 2026

- 1. Basant Kumar, aged about 24 years, S/o- Chandrashekhar Kumar.**
- 2. Niraj Kumar, aged about 23 years, S/o- Dharmjeet Prasad.**
- 3. Rahul Kumar, aged about 22 years, S/o- Nandu Paswan.**
All R/o village- Dharhari, P.S. Chhauradano, District- East
Champaran. ----- **Petitioners.**

Versus

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

Counsel for the Petitioners :- Sri Ramakant Shukla, Advocate.
Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.

09.04.2026

This anticipatory bail petition is filed on behalf of petitioners, namely, (1) Basant Kumar, (2) Niraj Kumar and (3) Rahul Kumar, who are apprehending their arrest in connection with Chhauradano P.S. Case No. 177/2022 u/ss 447, 341, 342, 323, 365, 511/34 of Indian Penal Code.

As per para-2 of the anticipatory bail petition, earlier the petitioner preferred A.B.P. No. 2216/2022 which was rejected by this Court, then petitioners preferred Cr. Misc. 78114/2024 before the Hon'ble Patna High Court which was withdrawn, except that no other anticipatory or regular bail petition has been filed earlier on behalf of the petitioners either in this Court or before any superior Court. As per para-3 of the anticipatory bail petition, the petitioners have no criminal antecedent except the petitioner Rahul Kumar against him Lakhaura P.S. Case No. 19/2024 registered.

As per F.I.R. while the informant's son Mithlesh Kumar was returning his house in his pickup van, several miscreants riding on four motorcycle began chasing him with the intention to abduct him, however his son managed to evade them and reached his house safely in the pickup. As soon as he reached, 7-8 miscreants also reached there and assaulted him and attempted to kidnap him, but when the informant, his family members and nearby people rushed to his rescue, the miscreants fled, though the villagers managed to apprehend one of them. The apprehended person disclosed his name as Avanish Rai and also stated the name of these petitioners and other co-accused who had succeeded in escaping from there. Four motorcycles belongs to the accused persons were left by the accused persons at the informant's premises.

The learned counsel for the petitioners has submitted that the petitioners are quite innocent and they have committed no offence. The alleged offences are bailable, except Sections 365 of IPC which is not applicable in this case. The statement u/s 164 of Cr.P.C. of so-called victim Mithlesh Kumar has been recorded, but he has not corroborated the statements given in the F.I.R. It is further submitted that now the case has been compromised between the parties and this is the fresh ground for second anticipatory bail petition.

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

Heard both sides and perused the record. From perusal of the record, it transpires that the petitioners are named in the F.I.R. with the allegation of assault the informant's son and they also tried to kidnap him. As per para-2, 8, 9 and 10 of the case diary, the informant in his restatement and the witnesses in their statement have corroborated the version of F.I.R. and supported the prosecution case also. As per para-6 of the case diary, containing seizure list, four motorcycles belonged to the accused persons were seized from the house of informant. As per para-73 of the case diary, the petitioners have no criminal antecedent, but as per para-3 of the anticipatory bail petition, the petitioner Rahul Kumar has one criminal antecedent of Lakhaura P.S. Case No. 19/2024 u/s 399, 402 IPC and 25(1-B)a, 26 and 35 of Arms Act. As per para-157 of the case diary, investigation against the petitioners is under progress. This is the second anticipatory bail petition of the petitioners. Earlier, their anticipatory bail petition had been rejected by the predecessor Court directing the petitioners to surrender before the learned Trial Court and seek regular bail, but the petitioners failed to comply the Court's order and have instead re-filed this second anticipatory bail petition, citing a compromise allegedly reached between the parties. The petitioners are evading the process of law.

In the facts of the case as discussed above and keeping in view the nature of allegation and materials available in the case diary, I am of the considered view that this is not a fit case for grant of anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioners, namely, **(1) Basant Kumar, (2) Niraj Kumar and (3) Rahul Kumar** stands **rejected**.

Let a copy of this order be communicated to the Superintendent of Police, East Champaran at Motihari to take necessary action against the erring I.O. for not verifying the criminal antecedent of the accused Rahul Kumar properly.

(Dictated)

Sd/-
Sessions Judge
East Champaran at Motihari
09.04.2026