

In The Court of Dist. & Addl. Sessions Judge-VIII,
East Champaran, Motihari
B.P. No. 674/2026
(Arising out of Dumariyaghat P.S. Case No. 45/26)
Registered U/s- 309(4), 317(2), 3(5) of the B.N.S. & 25(1-B)a, 26 of Arms Act.

Present:- Swami Nandan Prasad Singh
Dist. & Addl. Sessions Judge-VIII
East Champaran, Motihari.

Prabhat Kumar @Tempal, aged about 22 years, S/o -Sri Krishna Rai,
R/o village- Muja Bangara, P.S. Dewariya, Dist- Muzaffarpur.

.....Petitioner/ Applicant

State of Bihar **Versus**
Date of order 06.04.2026

.....Opposite Party

Present:

Ld. Counsel for the petitioner -Sri Ajay Kumar.
Ld. A.P.P. for state/O.P.-Sri Ishwar Chand Dubey.

ORDER

1. An application for grant of regular bail petition has been filed on behalf of the petitioner namely Prabhat Kumar @Tempal, in connection with Dumariyaghat P.S. Case No. 45/26, registered U/s- 309(4), 317(2), 3(5) of the B.N.S. & 25(1-B)a, 26 of Arms Act.
2. Heard the Ld. Counsel on behalf of the petitioner as well as Ld. A.P.P. on behalf of the prosecution on regular bail petition under consideration.
3. As per the FIR, the prosecution case in brief, is that informant namely S.I. Vivek Kumar, posted at Dumariyaghat, East Champaran. On 02.2.2026 searched on the basis of a information and submitted a report of P.S. Dumariyaghat, Case No.45/2026 u/s 309(4), 317(2), 3(5) for seizure of 245 liter diesel and Maruti made swift car having reg. no. BR06AZ9730.
4. Ld. Counsel on behalf of the petitioner submits that no other bail regular or anticipatory bail petition has filed before any higher court or this court on behalf of the petitioner. He further submits that except this (i) Motipur P.S. Case No.269/2022 u/s 302, 120(B),/34 I.P.C. and (ii) Bochaha P.S. Case No. 30/2022 u/s 399, 402, 414, 120(B) I.P.C. and 25(1-B)A, 26 and 35 of the Arms Act and 20, 22 of the N.D.P.S. Act are pending against the petitioner and the petitioner is in judicial custody since 03.02.2026. He further submits that the petitioner is quite innocent and has not committed any offence he has been falsely been implicated in this case due to high handedness of the police.
5. Ld. A.P.P. appearing on behalf of the state has opposed the prayer for regular bail of petitioner on the basis of the material available in the case diary. He further submits that all the witnesses given statement u/s 180 of B.N.S.S has supported the allegation of informant.
6. Heard both side & perused the case record. From perusal of case record, it appears that petitioner is named in the F.I.R. Further, it transpires from the perusal of entire case diary all the witnesses of the case diary are police authority rahter I.O has not recorded the statement of any independent

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witnesses in the case diary. From the perusal of search and seizure memo it also appears that the witnesses of the seizure list are police persons rather no independent witness has been made by police on search & seizure memo. Further it appears that confessional statement of petitioner and co-accused are available with case diary but in the eye of law confessional statement before police has got no legal value. Further from the perusal of para 33 of the case diary it also appears that there is no criminal antecedent is pending against this petitioner . The petitioner is in judicial custody since 03.02.2026.

7. Considering the above mentioned facts & circumstances of the case and keeping in view the nature of the allegation as mentioned in the F.I.R. and period of the detention, the bail petition filed on behalf of the aboved named petitioner namely **Prabhat Kumar @Tempal** is hereby, **allowed**. Accordingly it is order that the petitioner to be released on furnishing bail bonds of rupees ten thousand(10,000/-) with two sureties of the like amount each to the satisfaction of the Ld.Court Concerned of East Champaran with subject to these following conditions:-

- (i) One of the bailors shall be close relative of the petitioner.
- (ii) Petitioner shall not repeat any such offence in future.
- (iii) Petitioner shall not induce, threat or promise to any witness acquainted with the facts and circumstances of the case.
- (iv) Petitioner shall fully cooperate in trial of the case.

Dictated

Sd/-

Dist.&Addl. Sessions Judge-8th
Motihari, East Champaran.