

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-1,
EAST CHAMPARAN, MOTIHARI.

Anticipatory Bail Petition No. 2958 of 2026

1. Birendra Rai, s/o Rajendra Rai alias Gutaru Rai
2. Rajnish Kumar, s/o Birendra Rai

Both are resident of vill – Bakhri Bairagi Tola, P.S. Kalyanpur, District- East
Champaran.

----- **Petitioners**

VERSUS

State of Bihar ----- **Opp. Party.**

Appearance: -

Counsel for the accused : - Dr. Narendra Deo, Ld. Advocate.
Counsel for the State/O.P. : - Sri Khublal Prasad, Ld. P.P.

Date of Order: 15.06.2026

ORDER

This anticipatory bail petition has been filed on behalf of the above named petitioners, who are apprehending their arrest in connection with Kalyanpur P.S Case No. 112 of 2020, U/s- 302 read with 34 of I.P.C. and section 27 of the Arms Act.

Heard, the Ld. counsel appearing on behalf of petitioners and Ld. P.P. on behalf of State/O.P.

The case of the prosecution as stated by the informant in his fardbeyan in brief is that on 22.05.2020 at about 22:00 hours he along with his family members went to sleep after taking their meals and his father Mukhtar Sahani aged about 61 years slept outside the house. At about 1:00 AM somebody knocked his door and started abusing taking the name of this informant. He did not open the door of the house but he saw from the window that accused Birendra Rai, Rajnish Kumar, Sanjay Yadav, Sudesh Yadav and Manish Kumar along with two unknown persons were abusing him. He saw that the accused Birendra Rai, Rajnish Kumar and Sudesh Yadav were armed with pistol. He has further alleged that the accused Birendra Rai challenged him to come out of the house so that he would kill him and threatened him that if he did not come out of the house then his father would be shot dead. Thereafter the accused put the pistol on the chest of his father and fired. Thereafter the accused Birendra Rai, Rajnish Kumar and Sudesh Yadav also started firing and thereafter they went away on three motorcycle towards west. On the sound of fire arms neighbours and villagers came there then he and his family members opened the door of his house and came out to see his father. He saw that his father was soaked with blood and there was a fire arm wound on his left chest and his father had died. Thereafter this informant informed the S.H.O of Kalyanpur P.S. He has also alleged that on earlier occasion also Birendra Rai threatened him to his

consequences as this informant earlier made complaint against him before this occurrence. He had also filed an informatory petition earlier before the police. .

Ld. counsel appearing on behalf of accused petitioners has submitted that petitioners are innocent and have not committed any offence and they have falsely been implicated in this case. No other regular or anticipatory bail petition has ever been filed on behalf of the petitioners either before this court or any superior court. Petitioners have no criminal antecedent. The allegations whatsoever levelled against the petitioners is false and concocted. Further it has been submitted that petitioners were not present at the alleged place of occurrence at the relevant time. It has also been submitted that apart from scientific evidence several independent witnesses examined during investigation completely contradicted the prosecution story as narrated in the F.I.R. Petitioners are ready to abide all the terms and conditions imposed by the court.

On other hand, Ld. Public Prosecutor appearing on behalf of State opposed the prayer for anticipatory bail.

Heard both sides and perused the record. From the perusal of record it appears that the informant has alleged that the accused petitioner Birendra Rai had killed his father in front of his eyes along with other accused persons in the mid night when his father was sleeping outside the house and they had challenged this informant to come out of his house so that they can kill him. Death inquest report is annexed with the case dairy as mentioned in para 2 of the case diary. Post-mortem report of deceased is annexed with the case diary as mentioned in para 44 of case diary. The allegation brought against the petitioner is very serious in nature. There is sufficient material available in the case dairy. .

Considering the aforesaid facts and circumstances of the case, and nature and gravity of the offence and materials available in the case diary and also as per the post-mortem report, I am not inclined to grant anticipatory bail to the above named accused petitioners and accordingly, this anticipatory bail petition is hereby **rejected**.

(Dictated)

Sd/-

(Surendra Prasad)
District & Addl. Sessions Judge-1,
Motihari, East Champaran.
Dated :15.06.2026