

In the Court of Additional Sessions Judge-V, Muzaffarpur

Anticipatory Bail Petition No. 3351/2025

(Arising out of Motipur P.S. Case No. 191/2012)

In the matter of:

Hari Kishore Chaudhary s/o Bharat Chaudhary aged about 35 yrs,

Village-Dihuli Tengrari, P.S.-Siwaipatti,

District-Muzaffarpur

..... Petitioner

Versus

State of Bihar

..... Opposite Party

Appearance(s)

Counsel for the Petitioner(s) : Abhimanyu Kumar, Advocate.

Counsel for the State : Sadhusaran Prasad, Addl. PP.

Present: Suman Kumar Divakar

Bihar Superior Judicial Service

Order

04-04-2026

1. The Petitioner is praying for anticipatory bail in connection with Motipur P.S. Case No. 191/2012 registered for the offence under section 364 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC' for short).
2. Briefly stated, the petitioner faces an allegation of his complicity in kidnapping of the Informant namely Aman Modi. As on date, the Charge sheet bearing no. 423/25 dated 19-11-2025 has been filed against the petitioner under section 364 A and 120B IPC showing him absconder.
3. Learned Counsel for the Petitioner submits that he is an innocent. He has not committed any offence as alleged. He has one criminal antecedent. He has falsely been implicated in the present case. In this backdrop, he prays for anticipatory bail.
4. Learned Addl. Public Prosecutor has opposed the prayer so made on behalf of the petitioner.
5. Heard the parties. Considered the submissions. Perused the material on record. It appears from the record that the name of the petitioner had surfaced during the course of the investigation. Paragraph '2' of supplementary case diary demonstrates that in the year 2016, service report of Non-Bailable warrant issued against the petitioner sent to the learned court concerned with prayer for issuance proceedings under section 82 /83 of the criminal procedure code, 1973. As on date, proceedings of 'Kurki-Japti' have already been completed upon the petitioner. It further appears after checking web-site of Hon'ble Court

that co-accused Ravindra Kumar had been granted regular bail by the Hon'ble Court vide its order dated 12-07-2016 passed in Criminal Miscellaneous No. 27287/2016. Furthermore, the Petitioner has made concealment with regard to filing of earlier anticipatory bail petition. It is mentioned under paragraph '2' of the petition 'that the petitioner has not filed anticipatory or regular bail petition either before this learned court or before the Hon'ble Court Patna earlier.' However it appears from the record that ABP No. 1025/2016 had been filed by the petitioner and the same was rejected vide order dated 10-08-2016 passed by then learned Addl. Sessions Judge-8, Muzaffarpur.

6. In view of above and further, considering the nature and gravity of the offence coupled with conduct of the petitioner and the fact that he has been remaining out of reach from the clutch of law for such a long period, I am not inclined to extend him the privilege of pre-arrest bail. In the result, the present petition stands **dismissed**.
7. It is needless to state that malafide practices need to be curbed to enable the judges to take informed call and without being any apprehension that as to whether litigant has approached the court with clean hands or not. Impact of any bonfide slippage by the presiding officer in ascertaining malafide directly reflects upon its working and also takes more judicial time to zero it. The court in order to protect itself from malafide practices by the litigant is well within its power to neutralize it and to pose restraint by an appropriate measure. Hence, the Petitioner is imposed a cost of Rupees 1,00,000/- (One lac) for concealment of filing of earlier Anticipatory bail petition to be deposited with Victim Compensation Fund, DLSA, Muzaffarpur and receipt of the same to be attached with regular bail petition(whenever it is filed) before the learned court concerned. The learned court concerned is requested not to hear regular bail petition, if any, filed on behalf of the petitioner without ensuring the compliance of the aforesaid order.

(Suman Kumar Divakar)
Additional Sessions Judge-V
Muzaffarpur