

IN THE COURT OF SESSIONS JUDGE, PATNA

Anticipatory Bail Petition No. 2236 of 2026.

Rakesh Kumar

..... **Petitioner.**

Versus

The State of Bihar

**Order
No.**

Date

O R D E R

04 19-06-2026

1. The **petitioner, Rakesh Kumar**, apprehends arrest in connection with **Digha P.S. Case No. 177/2026** instituted for offences under sections 61(2), 119(1), 223, 316(2), 318(4) of the Bharatiya Nyaya Sanhita, 2023 (BNS) as well as section 3 of Prevention of Damage to Public Property Act, 1984.
2. Heard Sri Pramod Prasad, learned counsel for the petitioner and Sri Rajesh Kumar, learned Public Prosecutor for the State.
3. Prosecution case briefly put is that on 24.02.2026 at about 13:05 Hrs, in course of inspection, it was found that illegal construction work is being carried out upon 04 katha land belonging to Bihar State Housing Board in Digha Ashiyana Road area. The accused persons fled away upon seeing police vehicle. On enquiry from nearby people, no fruitful information was received.
4. Learned counsel for petitioner contends that the only non-bailable offences for which anticipatory bail has been sought are under Sections 119(1), 316(2), and 318(4) of the BNS. He further contends that the petitioner is not named in the FIR and his name has transpired in course of investigation. It is next submitted that the petitioner is an ironsmith by vocation. He further argues that even if the FIR is accepted at face value, no offence under Section 119(1) of the BNS is made out, as there is no allegation of causing hurt. It is further submitted that the petitioner has no concern either with the alleged land or with any construction work allegedly being done. Moreover, the petitioner has an unblemished criminal record.
5. Learned Public Prosecutor opposes the prayer for grant of anticipatory bail to the petitioner. However, he fairly submits that the petitioner has clean criminal antecedent as recorded by the

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**Contd....
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Investigating Officer in para 46 of the case diary.

6. Considering the aforesaid facts and circumstances of the case; nature of accusation against the petitioner; submission of learned counsel for the petitioner; and clean antecedent of the petitioner, the prayer for grant of anticipatory bail of the above-named petitioner is **allowed**. It is ordered that in the event of arrest or surrender before the learned court below within four weeks from the date of receipt of this order, the above-named petitioner shall be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned court below subject to the conditions as laid down u/s 482(2) of B.N.S.S.

(Dictated)

Sd/-

(Rupesh Deo)
Sessions Judge, Patna

Date of Order	19-06-2026
Date of Reserving Order	NA
Uploading Date	19-06-2026
Uploaded by	Amjad/-