

IN THE COURT OF SESSIONS JUDGE, PATNA

Anticipatory Bail Petition No. 2175 of 2026.

Rajendra Prasad

..... **Petitioner.**

Versus

The State of Bihar

**Order
No.**

Date

O R D E R

07 07-07-2026

1. The **petitioner, Rajendra Prasad**, apprehends arrest in connection with **Rajiv Nagar P.S. Case No. 287/2026**, instituted for offences punishable under Sections 61(2), 119(1), 223, 316(2), and 318(4) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, along with Section 3 of the Prevention of Damage to Public Property Act, 1984.
2. Heard Sri Manoj Kumar, learned counsel for the petitioner and Sri Rajesh Kumar, learned Public Prosecutor for the State.
3. Briefly stated, the prosecution case is that on 13.05.2026 at approximately 03:15 PM, during an inspection, it was found that unauthorized construction was being carried out on 1.5 kathas of land belonging to the Bihar State Housing Board in the Rajiv Nagar area. Upon inquiry from local residents, it was alleged that the construction was being undertaken at the instance of the petitioner, who is stated to be a contractor, along with an unidentified landowner.
4. Learned counsel for the petitioner submits that the only non-bailable offences invoked are under Sections 119(1), 316(2), and 318(4) of the BNS. It is argued that even if the allegations in the FIR are accepted in their entirety, no offence under Section 119(1) is made out, as there is no allegation of causing hurt. It is further contended that the petitioner has no connection whatsoever with the land in question or the alleged construction activity.
5. By way of a supplementary affidavit dated 02.07.2026, it is disclosed that the petitioner has one prior criminal antecedent, namely Rajiv Nagar P.S. Case No. 785/2023, registered under Sections 406, 420, and other allied provisions of the IPC, along

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**Contd....
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with Section 3 of the Prevention of Damage to Public Property Act, 1984.

6. The learned Public Prosecutor opposes the prayer for anticipatory bail, submitting that as per paragraph 35 of the case diary, the petitioner has the aforementioned criminal antecedent. It is further contended that the petitioner initially claimed to have a clean antecedent in the present application, and only after the case diary was received did he disclose the prior case through a supplementary affidavit. This, according to the State, demonstrates that the petitioner has not approached the Court with clean hands. It is also submitted that the investigation is going on and the charge-sheet has yet to be filed.
7. Having considered the submissions and the materials on record, this Court finds that the petitioner did not approach the Court with clean hands, inasmuch as he initially asserted having no criminal antecedents and disclosed the same only subsequently after receipt of case diary wherein his criminal antecedent finds mention. Furthermore, the investigation is still in progress and the charge-sheet has not yet been submitted. In view of these circumstances, the Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the application for anticipatory bail stands ***rejected***.

(Dictated)

Sd/-

**(Rupesh Deo)
Sessions Judge, Patna**

Date of Order	07-07-2026
Date of Reserving Order	NA
Uploading Date	07-07-2026
Uploaded by	Amjad/-