

IN THE COURT OF SESSIONS JUDGE, PATNA

Anticipatory Bail Petition No. 2322 of 2026.

Amit Kumar **Petitioner.**

Versus

The State of Bihar

**Order
No.**

Date

O R D E R

05 07-07-2026

- 1.** The **petitioner, Amit Kumar**, apprehends arrest in connection with **Rajiv Nagar P.S. Case No. 297/2026** instituted for offences under sections 61(2), 119(1), 223, 316(2), 318(4) of Bharatiya Nyaya Sanhita, 2023 (BNS) as well as section 3 of Prevention of Damage to Public Property Act, 1984.
- 2.** Heard Ms. Kahkashan Alam, learned counsel for the petitioner and Sri Rajesh Kumar, learned Public Prosecutor for the State.
- 3.** The prosecution case, in brief, is that the informant, an Assistant Engineer of the Bihar State Housing Board, during inspection on 17.05.2026 at about 18:00 Hrs, discovered illegal fencing work being carried out on 04 kathas of land belonging to the Housing Board in the west of Ghurdaur More. Upon seeing police vehicle the accused persons fled away. Upon inquiry, from nearby people they came know that the said construction work is being carried out by one Amit Kumar (petitioner).
- 4.** Learned counsel for the 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 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. He further submits that the petitioner was named in the FIR without any proper address only on the basis of enquiry, as neither the petitioner was present at the spot nor he was seen there by the informant or anybody else and hence the allegation is absolutely absurd and fabricated one. Furthermore,

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**Contd....
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the petitioner was not aware with the alleged commission of crime relating to illegal construction upon the land of the Housing Board. 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 Investigating Officer in para 40 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	07-07-2026
Date of Reserving Order	NA
Uploading Date	07-07-2026
Uploaded by	Amjad/-