

IN THE COURT OF SESSIONS JUDGE, PATNA

Anticipatory Bail Petition No. 2645 of 2026.

Dhananjay Kumar

..... **Petitioner.**

Versus

The State of Bihar

**Order
No.**

Date

O R D E R

05 07-07-2026

1. The **petitioner, Dhananjay Kumar**, apprehends arrest in connection with **Rajiv Nagar P.S. Case No. 287/2026** instituted for offences under sections 61(2), 119(1), 223, 316(2), 318(4) read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS) as well as section 3 of 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. Prosecution case briefly put is that on 13.05.2026 at about 03:15 PM, in course of inspection, it was found that illegal construction work is being carried out upon 1.5 katha land belonging to Bihar State Housing Board in Rajiv Nagar area. On enquiry from nearby people, they informed that the said construction work is being carried out at the instance of co-accused Rajendra Thekedar as well as unknown land owner.
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. It is next submitted that the petitioner is not named in the FIR, however, in the FIR along with the contractor Rajendra Prasad, owner of the plot in question has been referred as accused. In course of investigation, the police is searching for the petitioner claiming that he is the owner of the said plot. The petitioner has no concern with the alleged construction of the co-accused and he has been falsely implicated. 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.
5. By way of a supplementary affidavit dated 02.07.2026, it is

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**Contd....
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disclosed that the petitioner has one prior criminal antecedent, namely Rajiv Nagar P.S Case No.560/2022 registered for offence under Section 30(a) of Bihar Excise Act.

6. The learned Public Prosecutor opposes the prayer for anticipatory bail, submitting that as per paragraph 36 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/-