

**IN THE COURT OF ANAND KUMAR SRIVASTAVA DISTRICT &
ADDITIONAL SESSIONS JUDGE-XI, PATNA**

Anticipatory Bail Petition No. 3224 of 2026

Rakesh Kumar @ Rahul Kumar @ Rai Jee and ors. Versus State of Bihar

Ld. counsel for the petitioner:- Mr. Sunil Kumar	Adv.
Ld. counsel for the State:- Mr. Brijkishore Pd. Singh	APP

1. Rakesh Kumar @ Rahul Kumar @ Rai Jee, son of Late Dinesh Prasad @ Dineshwar Prasad, Resident of New Damaria, Road No.2, Pani Tanki, P.S. Gardanibagh, District-Patna
2. Sonu Kumar, son of Sri Mahesh Prasad. **3. Monu Kumar**, son of Sri Mahesh Prasad, Both are resident of Karimabad Ward No.7 Senduari, P.S. Town, Hajipur, District-Vaishali, At present New Damaria, Road No.2, Pani Tanki, P.S. Gardanibagh, District-Patna, who are apprehending their arrest in connection with Gardanibagh P.S. Case No. 594 of 2026, for the offences under Sections 126(2), 115(2), 109(1), 351(2), 352, 3(5) of the B.N.S.

.....**Petitioners**

Versus

1. The State of Bihar

.....**Opposite Party**

ORDER
10.08.2026

The anticipatory bail petition has been filed on behalf of petitioner namely **1. Rakesh Kumar @ Rahul Kumar @ Rai Jee**, son of Late Dinesh Prasad @ Dineshwar Prasad, **2. Sonu Kumar**, son of Sri Mahesh Prasad. **3. Monu Kumar**, son of Sri Mahesh Prasad, who are apprehending their arrest in connection with Gardanibagh P.S. Case No. 594 of 2026, for the offences under Sections 126(2), 115(2), 109(1), 351(2), 352, 3(5) of the B.N.S.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The prosecution case, in brief, is that the informant, Kailu Sao, son of Late Heera Sao, resident of Chitkohra Bazar, behind Masjid, P.S. Gardanibagh, District Patna, submitted a written report before the Officer-in-Charge of Gardanibagh P.S., Patna, on 05.07.2026, on the basis of which the present FIR was registered. It is alleged that on 05.07.2026, while the informant was proceeding towards Road No. 21, the accused persons, namely (i) Dinesh Prasad, (ii) Tinku Kumar, (iii) Sinku Kumar, (iv) Rahul Kumar @ Ravi Jee, all sons of Dinesh Prasad, and (v) Sonu Kumar, grandson of Dinesh Rai, all residents of Chitkohra Bazar, behind Masjid, P.S. Gardanibagh, Ward No. 13, started abusing and assaulting him. It is further alleged that when the informant's son Akash Kumar came to the spot, accused Sinku Kumar assaulted him on his head with a sharp-edged farsa, as a result of which he sustained injury, became unconscious and fell down.

The learned counsel for the petitioner has submitted that no any anticipatory

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bail petition or regular bail petition has been filed on behalf of the petitioner either before this learned court or before the Hon'ble High Court, Patna. That the petitioners are innocent and have committed no offence as alleged. Petitioner No. 1, namely Rakesh Kumar, is not named in the First Information Report, but the police are searching for him in the name of Rahul Kumar @ Rai Jee, whereas Rakesh Kumar has no alias name as Rahul Kumar @ Ravi Jee; moreover, he was not present at the place of occurrence and was on duty at the Bihar Public Service Commission, Patna, which is evident from the CCTV footage of the office. Petitioner No. 3, Monu Kumar, is also not named in the First Information Report. It is submitted that the petitioners have been falsely implicated by the informant, who has lodged an entirely false, concocted and fabricated case with baseless allegations, and no such occurrence as alleged by the informant had taken place. It is further submitted that all the alleged sections are bailable except Section 109(1) of the BNS, 2023, which is not attracted in the facts and circumstances of the present case. From a bare perusal of the FIR, it would appear that there is no specific allegation against the petitioners of having assaulted the informant or any other person, and only a general and omnibus allegation has been levelled against petitioner Sonu Kumar and Rahul Kumar regarding assault, which is wholly false and baseless. As a matter of fact, at about 12:30 P.M., the informant and others came to the Pandal shop of Ramesh Kumar, brother of petitioner No. 1, situated at Road No. 21, assaulted him and others, snatched cash of Rs. 30,000/-, a golden chain and ring, threatened them at pistol point and thereafter fled away from the place of occurrence. Ramesh Kumar immediately informed Gardanibagh Police, who came to the spot and seized two motorcycles belonging to the informant's party, pursuant to which Ramesh Kumar lodged Gardanibagh P.S. Case No. 593/2026 dated 05.07.2026 under Sections 126(2), 115(2), 303(2), 351(2), 352 and 3(5) of the BNS, 2023. It is submitted that after coming to know about the said case lodged by Ramesh Kumar, the informant, with a view to save himself and his associates from the allegations of assault and theft, lodged the present false and concocted case by making false allegations against the petitioners. The falsity of the present case is further apparent from the fact that the informant, Karku Sao @ Karku Thakur, has not assigned any motive for the alleged occurrence, whereas Ramesh Kumar, in his case, has specifically disclosed the motive attributable to the informant's party. The false implication of the petitioners is also evident from the fact that the informant has named Dinesh Prasad, father of petitioner No. 1, as a participant in the alleged occurrence, although Dinesh Prasad @ Dineshwar Prasad had already died on 14.10.2003, which clearly demonstrates that the informant has falsely implicated the entire family. Petitioner Nos. 2 and 3, namely Sonu Kumar and Monu Kumar, being merely the nephews (Bhagina) of petitioner No. 1, have also been roped into the present case without any basis. As a matter of fact, none of the petitioners participated in the

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alleged occurrence. Since no offence under Section 109(1) of the BNS, 2023 is made out against the petitioners and the present case has been instituted on the basis of false and concocted allegations, the petitioners deserve the discretionary relief of anticipatory bail. The petitioners undertake to abide by each and every condition that may be imposed by this Hon'ble Court under Section 482(2) of the BNSS, 2023. Hence, prayed to enlarge the petitioners on anticipatory bail.

On the other hand, learned Additional P.P. on behalf of the State vehemently opposed the prayer for anticipatory bail of the petitioners.

Having been heard and perused the case record. It appears that case has been filed for the offence under Section 126(2), 115(2), 109(1), 351(2), 352, 3(5) of the B.N.S. Death report of Dinesh Prasad @ Dineshwar Prasad is attached with the record who died on 14.10.2003, whereas he has also been made accused in the present case. Earlier, case was lodged by one of the co-accused mainly, Ramesh Prasad as Gardanibagh P.S. case No. 593 of 2022 for the occurrence of same day. Injury report of informant Karfu, shows that he sustained simple injuries on left thumb core arm and left ring finger. Prima facie there is no material for the offence under Section 109 BNS, there is case and counter case between the parties. Considering the above facts and circumstances of the case, the submission made herein above. Having regard to all these aspects of the case, the anticipatory bail of the petitioners namely, **1. Rakesh Kumar @ Rahul Kumar @ Rai Jee, 2. Sonu Kumar, 3. Monu Kumar,** are hereby **allowed.**

It is therefore, ordered that in the event of arrest/surrender within four weeks from date of receiving of this order by the lower court, the petitioner be released on anticipatory bail on furnishing his bail bonds of Rs. 10,000/- (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court in Gardanibagh P.S. Case No. 594 of 2026, subject to the condition as laid down u/s 482(2) B.N.S.S.

(Dictated)

Sd/-

Anand Kumar Srivastava
Additional Sessions Judge XI, Patna

Date of order	10.08.2026
Date of reserving order	06.08.2026
Date of uploading order	12.08.2026
Uploaded by	Shweta(steno)