

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20015 of 2025

Arising Out of PS. Case No.-216 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

Prabhu Prasad @ Prabhu Prasad Jaiswal S/o Late Surya Prasad Resident of
Mohalla - Bhawanipur Zirat, P.S. - Chhatauni, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2025 Heard Mr. Ashok Kumar, learned counsel for the

petitioner and Mr. Jitendra Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Motihari Town P.S. Case No. 216 of 2024,
F.I.R. dated 09.04.2024 for the offences punishable under
Sections 188, 447, 327/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along
with other accused persons who have shop on the land of Khas
Mahal at Meena Bazar in Motihari are constructing the wall
without any authority.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that as per allegation in the F.I.R, the petitioner and other accused persons have constructed illegal wall without obtaining necessary permission from the competent authority. He further submits that the petitioner has settled the shop no. 78 since long on the land in question which is the land of the petitioner and the petitioner has obtained the same by way of lease from the competent authority. He further submits that for the same set of allegations the co-accused, namely, Hemant Kumar @ Mantu Kesari @ Hemant Keshari has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 01.10.2024 passed in Cr. Misc. No. 61790 of 2024 and another co-accused, namely, Shambhu Prasad has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 03.10.2024 passed in Cr. Misc. No. 66268 of 2024.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the similarly situated co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a



period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Motihari Town P.S. Case No. 216 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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