

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55232 of 2025

Arising Out of PS. Case No.-79 Year-2025 Thana- Balwahat District- Saharsa

Rakesh Kumar S/O Prakash Chandra Yadav R/O Hiroya, P.S- Balwahat,
Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Samdarshi, Adv. Mr. Prince Kumar Mishra, Adv. Mrs. Priyanka Kumari, Adv.
For the State	:	Mr. Chandra Sen Prasad Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 22-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 316, 318(4), 3(5) of the B.N.S.

3. Allegation in the first information report lodged by the ASI is that on account of land dispute an occurrence of assault had taken place and with regard to which Balwahat P.S. Case No. 54 of 2025 was instituted. It further came to light that the driver of dial 112, Suman Katyayan and the present petitioner Rakesh Kumar had fraudulently taken an amount of Rs. 50,000/- from one Ankaj Kumar who is an accused of Balwahat P.S. Case No. 54 of 2025 on the pretext of getting the land fenced.



4. Learned counsel for the petitioners submits that there is no substantive evidence with regard to the complicity of the petitioner and the FIR is only based on false allegation. It has also been submitted that the petitioner is not a person in authority to whom the said Ankaj Kumar would have given an amount of Rs. 50,000/-for getting his work done and rather the petitioner owns a small beetle shop on a Gumti. Further, it is also to be noted that there is no case filed by Ankaj Kumar of having been cheated of Rs. 50,000/- on the contrary and affidavit has been filed on his behalf falsifying the said allegations which has been annexed as Annexure-P/2 to the present application.

5. Learned APP for the State however opposed the grant of anticipatory bail.

6. Considering the facts and circumstances and also considering the vague nature of allegations and further considering that the petitioner has no criminal antecedent, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court



below where the case is pending/successor court in connection with Balwahat P.S. Case No. 79 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

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