

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2154 of 2025

Arising Out of PS. Case No.-359 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Vijay Kumar Rai @ Vijay Prasad Rai S/o- Indradeo Prasad R/o Village-
Sankar Bigha, P.S- Sakurabad, District-Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Prashant Kumar S/o- Late Narendra Prasad Singh Village- Raja Bajar Ps-
Motihari Town Dist- East Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Vinay Ranjan, Advocate Mr. Prashant Shekhar, Advocate
For the State	:	Mr. Prem Kumar Jha, APP
For Opposite Party No.2	:	Mr. Shreyanshu Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-04-2025 Heard learned counsel appearing on behalf of the

petitioner, learned A.P.P. appearing on behalf of the State and

learned counsel appearing on behalf of Opposite Party No. 2.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 467, 468,
471, 504 and 506 of the Indian Penal Code.

3. The prosecution case, in brief, is that the
complainant, namely Prashant Kumar, after death of his wife by
suicide on 28.07.2022, along with his father-in-law, filed a U.D.
case. It is alleged that thereafter, this petitioner started
threatening the complainant for falsely implicating him and his



family members. It is further alleged that the accused persons tampered with the written application by adding a false statement in different handwriting and accused the complainant of firing a bullet upon his wife and thereby committing her murder.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence rather, he has falsely been implicated in this case due to personal vendetta. As a matter of fact, at the relevant time of death of wife of complainant, this petitioner was posted as S.H.O., Town P.S., Motihari and upon receiving information that one woman was shot and is under treatment at Rahmaniya Hospital, Motihari, after giving information to the S.D.P.O., Sadar, he rushed to the hospital from where, dead body of the deceased was sent to Sadar Hospital. The next day, father-in-law of the complainant/Opposite Party No. 2 came to police station and submitted a written report stating there in that “मुझे पूर्ण विश्वास है कि ये घटना प्रशांत कुमार द्वारा किया गया है। ” and on the basis of the said written report, a case bearing Motihari Town P.S. Case No. 533 of 2022 was registered against the complainant/Opposite Party No. 2 and after one month of the aforesaid incident, petitioner was transferred to Bagha District



Police Station and as such the allegation regarding threatening is absolutely false and concocted. It is further submitted that the complainant/Opposite Party No. 2 had filed a quashing application vide Cr. Misc. No. 33504 of 2023 after 10 months of registration of the F.I.R. and this Hon'ble Court, vide its order dated 19.05.2023 passed in Cr. Misc. No. 33504 of 2023, was pleased to quash the F.I.R. with a direction to the Superintendent of Police, East Champaran, Motihari to enquire into the matter himself and take action against the guilty officials. In compliance to the aforesaid order, the Additional Superintendent of Police enquired into the matter and submitted a report before the Superintendent of Police, East Champaran, Motihari vide letter No. 2269 dated 10.08.2023 wherein he has categorically stated that it cannot be ascertained as to who tempered with the F.I.R. without F.S.L. test and handwriting test. It is further submitted that the present F.I.R. has been lodged after inordinate delay of one year of the alleged occurrence and there is no plausible explanation for the same. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of complainant/Opposite Party No. 2 have vehemently opposed the prayer for grant of anticipatory bail to



the petitioner.

6. Considering the nature of accusation, delay in lodging of the F.I.R. and clean antecedents of the petitioner the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sikarhna at Dhanka, East Champaran, Motihari in connection with Complaint Case No. 359 of 2023, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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