

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6454 of 2026

Arising Out of PS. Case No.-357 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Dinesh Prasad S/o Late Aami Chan Prasad R/o Village - Dhekaha Luxman Tola, Jasauli, P.S - Motihari Muffasil, District - East Champaran
 2. Kamtalal Kumar S/o Dinesh Prasad R/o Village - Dhekaha Luxman Tola, Jasauli, P.S - Motihari Muffasil, District - East Champaran
 3. Sunaina Devi W/o Dinesh Prasad R/o Village - Dhekaha Luxman Tola, Jasauli, P.S - Motihari Muffasil, District - East Champaran
 4. Nagendra Prasad S/o SakhiChan Prasad R/o Village - Dhekaha Luxman Tola, Jasauli, P.S - Motihari Muffasil, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Ranjana Srivastava, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 04-02-2026 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in
connection with Motihari Muffasil P.S. Case No. 357 of 2025
registered for the offence(s) under Section(s) 126(2), 115(2),



118(1), 117(2), 303(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

3. The allegation against the petitioners is that they along with others had kidnapped the nephew of the informant and when the local people saw them, they fled away. It is further alleged that the petitioners and others assaulted the informant's side and snatched away the gold chain.

4. The learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case on account of land dispute between the parties. It has been submitted that there is general and omnibus allegation against the petitioners and no specific overt act has been alleged against them. It has also been submitted that no such incident as alleged has occurred and from bare perusal of the F.I.R., it would be evident that no case of kidnapping is being made out. It has lastly been submitted that petitioner Nos. 1, 3 and 4 have clean antecedents, whereas petitioner No. 2 is an accused in one case, bearing Motihari Muffasil P.S. Case No. 586 of 2020, in which, he is on bail.

5. The learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.



6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners, above-named, be released on anticipatory bail, in the event of their arrest or surrender before the concerned Court/successor Court within a period of four weeks from today, on their furnishing bail bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court/successor Court where the case is pending in connection with Motihari Muffasil P.S. Case No. 357 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions :

(i) One of the bailors of the petitioners shall be their close relative and the other shall be a local resident.

(ii) The petitioners shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the concerned Court.

(iv) The concerned Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that he has concealed their criminal antecedent, the Court concerned shall take necessary steps for cancellation



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

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

Praveen-II/-

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