

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9928 of 2026

Arising Out of PS. Case No.-3 Year-2023 Thana- MADHWAPUR District- Madhubani

Prabhakar Kumar S/o- Sukeshwar Lal Das Resident Of Village- Taraiya, Ps-
Saharghat, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amit Srivastava, Sr. Advocate Mr. Ram Nibash Prasad, Advocate
For the Opposite Party/s	:	Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 10-04-2026 Heard learned senior counsel, Mr. Amit Srivastava,

for the petitioner and learned Spl. P.P. appearing for the State

and learned counsel for the informant.

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 448, 341, 323, 354,
379, 427, 504, 506 and 34 of the B.N.S. Act, 2023.

3. The learned senior counsel appearing on behalf of
the petitioner submits that the complaint case No.4 of 2023 was
instituted against the petitioner but then the same was dismissed
under Section 203 of Cr.P.C. By an order dated 17.10.2023
passed by the learned Additional Sessions Judge, Ist-cum-
Special Judge, Madhubani, as such petitioner is a person with
clean antecedent. The learned senior counsel next submits that



informant alleges that she along with her son on 28.10.2022 at 2 P.M. were going on motorcycle to purchase jewellery, when they were intercepted by accused persons and they asked to hand over all the belongings, on protest, accused persons, Hare Ram on point of pistol threatened that her son would be killed, thereafter, Priyanshu and Runa snatched Rs.17,000/- while Lalita and Prabhakar forged her to sign on two blank papers, thereafter, Lalita and Runa made her unconscious by putting a uncle chips around her bed and Prabhakar assaulted by hammer causing injury on head and Hare Ram assaulted by rod causing injury on back and chest. It is next alleged that accused persons assaulted her son and followed them to their house and again assaulted and Prabhat acted inappropriately with her daughter in law and accused person took away Rs.15,000/- and jewelry worth Rs. 1,50,000/-.

4. Learned senior counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant, it is next submitted that the instant F.I.R. is based on a compliant case, it is further submitted that allegations as alleged in the F.I.R. does not inspire confidence for the reason that it does not appear probable that the informant after being made unconscious by the accused



person by putting uncle chip could have walked back home with a son as the informant alleges that she was made unconscious and thereafter she was assaulted and the accused followed her and her son to the house and again assaulted her, abused and took away her belonging. It is next submitted that allegation against the petitioner is general and omnibus in nature, it is further submitted that petitioner had instituted Shaharghat P.S. Case No.217 of 2022 against the husband of the present informant alleging that on pretext to giving Govt. job, the husband of the informant took him a lakhs of rupees and in the said retaliation, the instant F.I.R. came to be instituted.

5. Learned senior counsel after making submissions on merit fairly submits that process under Section 82 Cr.P.C. has been issued but then it is submitted that facts of the case is also required to be appreciated and anticipatory bail should not be rejected in a mechanical manner merely for the reason that process under Section 82 Cr.P.C. has been there, it is also submitted that prior to issuing process under Section 82 Cr.P.C. the learned Magistrate has to assign reason but then the order issuing process under Section 82 Cr.P.C. is bereft of any reason, it is also submitted no doubt allegation are there in the F.I.R. but then as far as this petitioner is concerned, there is no specific



allegation against him, it is further submitted that even wife of the petitioner came to be implicated in the instant case only with an intent to course the family into submission so that the petitioner comprises Saharghat P.S. Case No. 217 of 2022 instituted against husband of the present informant. It is also submitted that wife of this petitioner namely, Lalita Kant has approached the Court seeking anticipatory bail by filing Cr. Misc. No.9351 of 2026 and the same to be allowed by an order dated 24.03.2026.

6. Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but then the learned counsel appearing on behalf of the informant is not in a position to rebut the submission of learned senior counsel appearing on behalf of the petitioner that petitioner earlier has instituted Saharghat P.S. Case No. 217 of 2022 against the husband of the instant informant and that the allegation against the petitioner in the F.I.R. is general and omnibus in nature.

7. Considering the aforesaid facts and circumstances of the case, I am inclined to grant privilege of anticipatory bail to the petitioner.

8. Let the petitioner, as named above, in the event of



his arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Benipatti, Madhubani, in connection with Madhwapur P.S. Case No. 03 of 2023, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Satyavrat Verma, J)

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