

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84662 of 2025

Arising Out of PS. Case No.-734 Year-2025 Thana- MOTIHARI TOWN District- East
Champaran

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Dewa Gupta S/o- Hari Kishore Gupta R/V- Ward No- 18 Barhai Tola PS-
Chhatuni Dist-East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Nilanjan Chatterjee, Advocate
Mr.Anuj Kumar, Advocate
For the Opposite Party/s : Mr.Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 09-06-2026 The present petition of anticipatory bail was taken up on

board upon mentioning during vacation as this case is pending

since December 2025.

2. Heard Mr. Nilanjan Chatterjee, learned counsel
appearing for the petitioner and learned A.P.P. for the State.

3. The accused-petitioner is not named in the F.I.R., and
apprehending his arrest in connection with Town P.S. Case No.
734 of 2025 registered for the offences punishable under
Sections 121, 122, 103(1), 61(2), 121(1) of the Bhartiya Nyay
Sanhita, 2023 (in short, the 'B.N.S.').

4. As per FIR, the informant who claims to be an eye
witness of the occurrence alleged that his son, while
participating in "Mahaviri Jhanda procession", was killed by the



nine named co-accused persons by using knife and Lathi.

5. Mr. Nilanjan Chatterjee, learned counsel appearing on behalf of the petitioner submitted that upon facial perusal of the FIR, it can be gathered safely that the informant is an eye witness of the occurrence, who raised specific allegation against nine (9) named co-accused persons as to commit murder of his son. Admittedly, as per FIR, the petitioner was not present during occurrence.

6. It is submitted by Mr. Chatterjee that during the course of investigation, after passing of 27 days, two witnesses namely, Deepak Kumar and Sanjeet Patel named this petitioner suggesting his involvement with the present crime in question as a financier of the named co-accused persons.

7. Submitting further, it is pointed out by learned counsel that petitioner is a politician who contested assembly election of Bihar in year 2025, on ticket of a national political party and had lost the election with a margin of 12 thousand votes only. The wife of petitioner is also the Mayor of Motihari Municipal Corporation. It is pointed out that above-named two persons are admittedly in inimical terms with his wife and, therefore, getting the occurrence as an opportunity, implicated this petitioner with the present crime in question with very



vague allegation that petitioner was also one of the conspirator being financier of the named co-accused persons without having any cogent materials in support of the allegation to settle political rivalry.

8. It is further submitted that named co-accused persons who said to be involved in actual commission of crime have already been granted regular bail by different learned coordinate Bench of this Court through Cr. Misc. No. 82789 of 2025; Cr. Misc. No. 83650 of 2025.

9. Arguing further, it is submitted by Mr. Chatterjee that petitioner was implicated almost with 30 cases out of political rivalry, where almost in nine (9) cases, he has already been acquitted, and in most of these cases he was implicated as an afterthought like the present matter where he was not named in the FIR due to political rivalry.

10. In this connection, it is further submitted that ordinarily prayer of bail of the petitioner should not be rejected on the ground of criminal antecedents alone, if merits of the case otherwise convincing in favour of the accused/petitioner. In support of his submission, Mr. Chatterjee, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another**



reported in **(2020) 11 SCC 648**.

11. Learned A.P.P. Incharge for the State opposes the prayer of anticipatory bail of the petitioner.

12. In view of the aforesaid factual submissions and by taking note of the fact as the informant, who claims to be an eye witness of the occurrence, could not named this petitioner or even raised any suspicion *qua* his involvement with the present crime in question, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Incharge Chief Judicial Magistrate, East Champaran at Motihari/concerned court in connection with Town P.S. Case No. 734 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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