

IN THE COURT OF SESSIONS JUDGE, AURANGABAD (BIHAR)

A.B.P. No. 1754/2026

Arising out of Aurangabad (Town) P.S. Case No. 421/2026

Present:- Rajeev Ranjan Kumar, Sessions Judge, Aurangabad (Bihar)

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1. Kundan Kumar, S/o Rajesh Malakar @ Rajesh Kumar, Age-27 years, R/o Mohalla Viratpur, near Rajarshi School, Ward No. 30, P.O.- Aurangabad, P.S.- Aurangabad, District- Aurangabad (Bihar).
 2. Rahul Kumar, S/o Rajesh Malakar @ Rajesh Kumar, Age-27 years, R/o Mohalla Viratpur, near Rajarshi School, Ward No. 30, P.O.- Aurangabad, P.S.- Aurangabad, District- Aurangabad (Bihar).
 3. Rajesh Malakar @ Rajesh Kumar, S/o Rampati Mali, Age-51 years, R/o Mohalla Viratpur, near Rajarshi School, Ward No. 30, P.O.- Aurangabad, P.S.- Aurangabad, District- Aurangabad (Bihar).

... .. Petitioner(s)

Versus

The State of Bihar

... ..Opposite Party(s)

Appearance :

For the Petitioner(s)	:	Sri Girijesh Narayan Singh, Adv.
For the State	:	Sri Ajay Kumar, P.P.

10.07.2026

Apprehending their arrest in connection with Aurangabad (Town) P.S. Case No. 421/2026 instituted under Section 126(2), 115(2), 118(1), 352, 351(2), 303(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, petitioners have moved before this court for grant of privileges of anticipatory bail. A copy of the anticipatory bail petition has been served upon Ld. P.P. for the state.

The brief facts of the case are that on dated 27.06.2026 at about 09:00 p.m., the petitioners had attacked the informant. It is further alleged that Kundan Kumar had beaten to the informant by lathi and Rajesh Malakar had pressed the neck of informant with an intention to kill him. Thereafter, Rahul Kumar had snatched a golden chain from the informant.

It has been submitted by the learned counsel appearing for the petitioner that the petitioner is quite innocent and has committed no offence. Nothing has been happened as alleged by the informant and total case is false and fabricated. All other sections are bailable in nature except Section 118(1) and 303(2) of BNS. Petitioners are having no criminal antecedent. On these grounds, it is prayed that the petitioners be enlarged on anticipatory bail.

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On the other hand, learned P.P. opposed the prayer for anticipatory bail of the petitioners.

Heard learned counsel appearing on behalf of the petitioners and learned P.P. for the State.

As per allegation, petitioners had assaulted to the informant. It is specifically alleged against the petitioner Kundan Kumar that he had beaten to the informant by danda and petitioner Rajesh Malakar had caught hold to the informant and further pressed his neck. It is further alleged that Rahul Kumar had stolen a golden chain from the person of informant. As per FIR, the incident took place on dated 27.06.2026 but the FIR was registered on dated 29.06.2026.. The present FIR has been registered u/s 126(2), 115(2), 118(1), 352, 351(2), 303(2), 3(5) of BNS out of whom Sections 303(2) and 118(1) of BNS are non-bailable. It appears that the allegation u/s 303(2) of BNS appears to be ornamental in nature. It is mentioned at para-3 of the anticipatory bail petition that the petitioners are having no criminal antecedent.

Considering the nature of allegation and the fact that the petitioners are having no criminal antecedent. Hence, **the anticipatory bail petition filed on behalf of above named three petitioners is hereby allowed.** It is directed to release the petitioners on bail in the event of their arrest or surrender before the learned court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount by each subject to the satisfaction of the learned court below and the conditions as laid down u/s 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Dictated

(Rajeev Ranjan Kumar)
Sessions Judge
Aurangabad (Bihar)