

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-VIII, BANKA

Anticipatory Bail Petition No. 472 of year 2026

(Arising out of Amarpur P.S. Case No. 752/2025)

1.Ganga Sharma s/o Late. Suresh Sharma,

2.Abdhesh Kumar s/o Ganga Sharma,

3.Kunal Kumar s/o Ganga Sharma

4.Pramod Sharma s/o Late. Suresh Sharma

All R/o: Vill- Simarpur, P.S.- Amarpur, Distt- Banka

..... Petitioners

Versus

The State of Bihar

..... Opposite Party

For the Petitioner's : Ld. Counsel Sri Lal Mohan Sah, Advocate

For the State : Ld. . P.P. Sri. Sriprakash

Present: ATUL SINHA,

District & Additional Sessions Judge-VIII, Banka

Dated: 30.06.2026

1. By way of this order the Anticipatory Bail Petition u/s 482(2) of B.N.S.S., filed by the accused-petitioners, namely, **1.Ganga Sharma, 2.Abdhesh Kumar, 3.Kunal Kumar, and 4.Pramod Sharma** in connection with Amarpur P.S. Case No. 752/2025, U/s – 126(2), 115(2), 74, 110, 303, 352, 351(2), 3(5) of B.N.S. of 2023. , is hereby disposed of.

2. The case of Prosecution in brief is that informant Babita Devi has given the written application before the S.H.O. of Amarpur, Banka on dated 17.10.2025, wherein it was mentioned by her that on dated 16.10.2025 at about 7.30 p.m. the informant was in her house, at that time the accused persons namely Ganga Sharma, Abdhesh Kumar, Kunal Kumar and Pramod Sharma entered in the house of the informant and started abusing the informant due to previous land dispute. Accused Abdhesh Kumar and Kunal Kumar assaulted the informant and when the informant's brother-in-law came to save her, the accused persons also assaulted him by means of iron rod. They also assaulted Kartik Kumar who came to save. The accused persons also snatched Rs.6,000/- from the informant's brother-in-law. Hence, this F.I.R. has been lodged against the accused petitioner's, under section- 126(2), 115(2), 74, 110, 303, 352, 351(2), 3(5) of B.N.S. of 2023.

3. It was submitted by the Ld. Counsel for the accused-petitioner that no bail application has been filed earlier on behalf of the petitioners, either before this court or before the Hon'ble High Court, Patna in connection with this case.

4. It was further submitted on behalf of the accused petitioners that the petitioners are innocent and have committed no any offence. They have been falsely implicated in this case due to dirty village politics and also at the instance of their enemies. The allegations levelled against the petitioners are false and concocted one. So far as the alleged sections are concerned all are bailable in nature in the eye of law except the Sections 74, 110 and 303 of the B.N.S and these sections are super addition and have purposely been added by the informant only with the view to make the case serious and non-bailable with the purpose to harass to the petitioners. He further submitted that the petitioners have been granted benefit of u/s 35(3) of the B.N.S.S 2023 by the police.

5. On the other hand, Learned Public Prosecutor opposed the bail and submitted to reject the same.

6. The F.I.R. has been lodged against the accused petitioner's under section- 126(2), 115(2), 74, 110, 303, 352, 351(2), 3(5) of B.N.S. of 2023. The Trial Court Record along with case-diary is attached with the instant Bail Petition, wherein, the statement of witnesses is mentioned in para-2, 3 and 4 of the case-diary. The reference of supervision note is given in para-24 of the case-diary. The reference of Injury Report of injureds is given by I.O. in para

12, 13 and 14 the case-diary. The charge-sheet has also been filed against the accused persons u/s 126(2), 115(2), 74, 110, 352, 351(2), 3(5) of B.N.S. and the Ld. Trial Court has taken cognizance of offence under the same section in which the chargesheet have been submitted. Benefit of Section 35(3) of B.N.S.S has also been given to the accused petitioners.

7. Heard both sides and perused the Trial Court Record including the F.I.R. on perusal of the record, it appears that the informant and others have been assaulted by the above named accused petitioner's on the alleged date of occurrence i.e. 16.10.2025. The witnesses in para-2, 3 and 4 have only supported the case of prosecution to that extent. A supplementary petition dated 30.06.2026 filed by the Id. Counsel for the petitioner wherein he submitted that the petitioners have no criminal antecedent. Further, on perusal of the injury report attached with the case diary it was found that the injuries inflicted to injured namely Kartik Kumar are simple in nature and one of the injury sustained by injured namely Gulcharan Kumar is grievous in nature. The injury of informant has been caused tender swelling over the right knee of 2cm diameter, whose opinion is still reserved, inspite of the fact that investigation has been completed and chargesheet have been filed. The injury caused to the informant on the right knee causing swelling does not appears to be dangerous in life and there is no sign of any repeated blow with respect to the injury inflicted to her. Apart from it the accused-petitioners have been granted the benefit of Section 35(3) of B.N.S.S. as mentioned in para 18 and 21 of the case diary. The allegation of snatching Rs.6,000/- is not proved as mentioned in para 24 of the case diary. The charge-sheet have also been submitted against the accused-petitioners as mentioned in para 25 of the case diary u/s 126(2), 115(2), 74, 110, 352, 351(2), 3(5), wherein the maximum punishment is upto 7 years and this Court is aware of the law laid down by the Hon'ble Patna High Court in the case of **Navneet Kumar Singh Vs. State of Bihar, in Criminal Miscellaneous Case No. 38822 of 2025 dated 08.08.2025**, wherein that in spite of the fact that accused-petitioners have been given the benefit u/s 35(3) of B.N.S.S., even though there right u/s 482 B.N.S.S. 2023 is not extinguished.

8. Therefore, under the above-mentioned the facts and circumstances and taking into consideration the factor that accused petitioners have no criminal antecedents, charge-sheet have also been submitted against the accused petitioners and in light of Hon'ble Court law dealt in the above mentioned para, the accused-petitioner's, deserves the privilege of Pre Arrest Bail at this juncture. Accordingly, the Anticipatory Bail Petition of accused Petitioner's namely **1.Ganga Sharma, 2.Abdhesh Kumar, 3.Kunal Kumar, and 4.Pramod Sharma** are hereby **Allowed**. They are directed to be enlarged on bail in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of this order in the sum of Rs. 20,000/-with two sureties of like amount each to the satisfaction of learned court below with the condition that, one of the bailor must be blood relative or co-villager and also as per the conditions laid down in section 482(3) B.N.S.S., 2023. Petitioners shall also undertake that they will fully co-operate in trial and will not indulge in similar offence with the informant and her family members.

9. The observation made in the present bail petition order are for purpose of deciding the present petition and do not affect the factual matrix of investigation / trial of the present case, which is separate issue as per law.

10. O/c is directed to send a copy of this order to the concerned Court along with trial court record at once.

Sd/

**District & Additional Sessions, Judge-VIII,
Banka**

Memo No.-.....Dt.-.....

Copy Forwarded to the Court of Chief Judicial Magistrate, Banka for information and needfull.

**District & Additional Sessions, Judge-VIII,
Banka**

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