

In the Court of District & Additional Sessions Judge-III, Begusarai

A.B.A No. 951 of 2026

Arising out of Bakhri P.S Case No. 91 of 2026

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1. Kundan Paswan, S/o-Jalo Paswan @ Jogendra Paswan
 2. Gulsan Paswan, S/o-Umesh Paswan
 3. Dharamvir Paswan, S/o-Umesh Paswan
 4. Ankit Paswan, S/o-Umesh Paswan
 5. Umesh Paswan, S/o-Chhabbu Paswan
- All R/o-Village-Karai Tar, P.S-Bakhri
District-Begusarai.

.....**Petitioners**

Versus

The State of Bihar**Opp. Party**

Present :

: Mrs Chandana Kumari, Ld. Counsel for the accused/petitioners

: Sri Dilip Kumar, Ld. Addl. P.P for the State

ORDER

10.07.2026

1. The instant anticipatory bail application has been filed by and on behalf of the above named accused/petitioners in connection with Bakhri P.S Case No. 91 of 2026 for having committed offences punishable under sections 126(2), 115(2), 117(2), 74, 352, 351(2), 3(5) of B.N.S as they are apprehending their arrest in this case.
2. It is submitted by the Ld. Counsel for the petitioners that they are innocent and have not committed any offence and have falsely been implicated in this case due to village politics and no other bail petition in connection with this case has either been filed by the petitioners in this court or before the Hon'ble High Court, Patna and the petitioners are having one criminal antecedent being Bakhri P.S Case No. 69/2026 U/s-87, 3(5) B.N.S and the petitioner no. 2 and 4 are having one criminal antecedent being Bakhri P.S Case No. 375/2023. It is further submitted that all the offences are bailable in nature except section 74 B.N.S. Lastly, a prayer is made to grant anticipatory bail order in favour of the petitioners as the petitioners are ready to abide by any condition as stipulated U/s-438(2) of Cr.P.C/482(2) of B.N.S.S.
3. On the other hand, the learned Addl. P.P opposed the prayer of the petitioners and submitted that there is allegation of molestation against the petitioners, therefore, they do not deserve anticipatory bail order in their favour.
4. Briefly stated allegation as per FIR are that the informant of this case lodged a written complaint dated 14.03.2026 with the police alleging therein that on

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13.03.2026 at 11:00 hours during the day time, when her daughter namely Ravina Kumari was sitting at the door of his neighbour then the petitioners and one another co-accused laced with arms arrived there and after surrounding her daughter indulged in obscene act and with bad intention touched her body and tried to tear the clothes and when her daughter raised an alarm then the informant reached there and opposed the act of the petitioners then the petitioners abused him and slapped him then petitioner no. 1 and 2 took out pistols and with intention to kill the informant hit the head and nose of the informant with the pistol, resultantly, the informant badly got injured and fell down. It is further alleged therein that when the sons of the informant and other persons raised the alarm then the miscreants fled away.

5. From bare perusal of the contents of the FIR, it is evident that the informant reached at the place of occurrence when the petitioners had already molested the daughter of the informant and admittedly he had not seen that the part of the occurrence from his own eyes. Further perusal of para 6 of the case diary in which the daughter of the informant, who was allegedly molested in her statement recorded during the course of investigation has stated that on the date of occurrence only petitioner no. 1 and 2 came and said that “they have already taken away your sister and now we would also take away and thereafter caught hold of her hand and started pulling her”. The alleged victim in her statement has nowhere stated that she was either touched by both the petitioners with intention to outrage her modesty or they torn her cloth or touched her inappropriately. Even the mother of the victim girl in her statement has nowhere stated that these petitioners ever tried to molest the victim or made endeavour to outrage her modesty.

It is settled law that while deciding the anticipatory bail petition, paramount consideration for the court should be that whether the facts of the case as discernible is whether the petitioners have falsely been implicated or not. In the instant case the petitioners have exercised their right U/s-482(2) of B.N.S.S for the reason that in the FIR section 74 of B.N.S has been invoked by the police on the basis of false and concocted story of the informant.

6. In view of the aforesaid discussion and considering the nature of allegation and discrepancies in the statement of victim, her mother and in the statement of the informant of this case, this court is of the view that possibility of false implication of the petitioners by the informant cannot be ruled out completely. Moreover, the Ld. Addl. P.P has raised no apprehension that if the petitioners would be granted anticipatory bail order in their favour they would tamper with evidence or may flee from justice.

Hence, the petitioners have made out a case for grant of anticipatory bail order in their favour. Accordingly, the instant anticipatory bail petition is

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hereby **allowed** and in the event of their arrest or appearance before the learned court, the petitioners shall be admitted on bail subject to furnishing their bail bonds of Rs. 10,000/-with two sureties of like amount each to the satisfaction of the I.O/the learned Court. This order shall be subject to conditions as enumerated in Section 438(2) of Cr.P.C.

The instant order shall be subject to further condition that the petitioners shall not try to contact the victim or his father or her mother either through physically or through electronic mode till the disposal of this case and if the petitioners would be found indulged in violating any condition of the bail order then the prosecution would be at liberty to file a petition for cancellation of anticipatory bail order.

Dictated

Sd/-

(Mukund Kumar)

District & Additional
Sessions Judge-III, Begusarai

Date of Order	10.07.2026
Date of reserving Order	N.A
Uploading Date	14.07.2026
Uploaded by	Brijendra Kumar