

IN THE COURT OF PRINCIPAL SESSIONS JUDGE, BEGUSARAI

A.B.A. No. 1110/2026

**Ref:- Arising out of Bhagwanpur P.S. Case No. 283/2025
U/S-137(2)/351(3)/351(4)/3(5) of B.N.S.**

Dt: 23.09.2025

In the matter of :-

**Gulshan Kumar, S/o-Shobhakant @Shobhakant Mahto, R/o: Vill.-Suryapura,
P.S-Bhagwanpur, Distt.-Begusarai**

.....Petitioner

Vrs.

The State of Bihar

...Opposite Party

Present:- Rishi Kant

Principal Sessions Judge, Begusarai

Ld. Counsel for the petitioner :- Sri Dhrub Kumar Mahto, Adv.

Ld. Counsel for the O.P. :- Ld. P.P I/C

Date of order:-16.06.2026

ORDER

An anticipatory bail petition has been filed on behalf of above named accused/petitioner who is apprehending his arrest in connection with above mentioned case for committing of an offence u/s-137(2)/351(3)/351(4)/3(5) of B.N.S. and the same has been put up for hearing.

Heard Learned Counsel Shri Dhrub Kumar Mahto appearing on behalf of accused/ petitioner and Learned P.P I/C for the State.

The prosecution case, in short, is that on 18.09.2025 at about 05:00 A.M, four F.I.R named accused persons including petitioner took away the informant's son Nitish Kumar and assaulted his son. Some unknown persons and four other F.I.R named accused persons were also involved in the occurrence of assault. They also threatened to kill. The informant took his son to house. Thereafter, at 12:00 O'clock in the night, the informant's son was missing. Upon searching; he was not traced out.

The Ld. Counsel appearing on behalf of accused/ petitioner submitted that the petitioner has not filed any bail either anticipatory bail or regular bail before this court or any higher court. It is further submitted that petitioner is quite innocent and has committed no any offence and he has falsely been implicated in this case. The allegations as alleged as against the petitioner is entirely false, concocted and after thought. There is case and counter case between the parties. The wife of Shobhakant lodged a case against the informant and others vide Bhagwanpur P.S case no. 296/2025. The real fact is that informant's son run a fake I.D. on his mobile and sent fake photo and called the proposed bridegroom of Shobhakant and due to this, his proposed marriage has been broken up. So, Shobhakant complained to informant and due to this; family members of informant assaulted him. The offence mentioned in formal F.I.R is bailable but as yet police has not complied the section 35(1) to 6 of B.N.S. Victim Nitish Kumar was recovered and his statement was recorded before the police and before court u/s 180 and 183 of B.N.S which is supported the defence version of accused. The petitioner has no criminal antecedent and he is ready to abide all the conditions imposed by the court, so petitioner may be released on bail.

Per contra the P.P I/C appearing on behalf of State vehemently opposed the prayer for bail.

Heard learned counsel for the parties and perused the Lower Court Record along with the materials available on record. As per the F.I.R., the allegation against the petitioner is that he, along with other accused persons, forcibly took away the son of the informant and assaulted him. From the perusal of the materials available on record, there appears to be direct and specific allegation against the present petitioner with

regard to the alleged kidnapping, confinement and assault of the victim. The statements of the victim recorded under Sections 180 and 183 of the B.N.S.S. prima facie support the prosecution case against the petitioner. Earlier co-accused anticipatory bail has already been rejected by this court on dated 08.05.2026 order passed in A.B.A no.884/2026. The case of the petitioner is on similar footing.

Considering the nature and gravity of the accusation, the specific role attributed to the petitioner, and the consistent statements of the victim recorded during investigation, this Court does not find it to be a fit case for grant of the privilege of anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail is rejected.

However, the petitioner is directed to surrender before the learned court below and file a regular bail application. The learned court below shall consider and dispose of the said application in accordance with law, without being influenced by the observations made in this order.

(Dictated)

S/d-

(Rishi Kant)

Principal Sessions Judge, Begusarai

Date of Judgment/Order	16.06.2026
Date of Reserving Judgment/Order	N.A
Uploading Date	19.06.2026
Uploaded by	Kunwar Akash Raj