

IN THE COURT OF SRI DEEPAK KUMAR-I, ADDITIONAL SESSIONS JUDGE- II, BHAGALPUR

Anticipatory Bail Petition No. 457/2026

(Arising out of **Babarganj P.S. Case No. 35/2026**)

1. Bashudeo Sah, age 61 years, S/o Late Mainu Sah

2. Brahmdeo Sah, age 35 years, S/o Shankar Prasad Sah

.....**Petitioner**

Versus

The State of Bihar

.....**Opp. Party**

For the Petitioner/s : Mr. Manish Kumar, Ld. Advocate.

For the State : Mr. D.N. Sahay, Ld. A.P.P.

Date of order	Order with signature of the court
1	2
15-04-2026	This is a petition filed on behalf of the above named accused-petitioners for grant of anticipatory bail who apprehension their arrest in connection with Babarganj P.S. Case No.- 35/2026 for offences punishable U/s 126 (2), 115 (2), 117 (2), 352, 351 (2), & (3), 110, 3 (5) BNS. On behalf of the petitioners a certificate has been given in bail petition that earlier no anticipatory or regular bail petition has been filed on their behalf either before the Court of the Ld. Principal Sessions Judge, Bhagalpur or before the Hon'ble High Court, Patna. In para-3 of bail petition, accused-petitioners have given certificate that they have no criminal antecedents. Prosecution case, as per Fardbeyan of informant Jitendra Kumar Sah, in brief, is that on 22.12.2025 at about 12:30 p.m. all FIR named accused-petitioners were assaulting Bishundev Sah. On noise, he came out from home and saw that both accused-petitioners were assaulting him and when went to rescue him then they have abused and assaulted the informant by means of rod and khanti. Thereafter, Brahamdev Sah with intention to kill assaulted upon his head by means of Khatni by which he his hand was broken and Basudev Sah has assaulted the informant by means of iron rod by which informant became unconscious. Thereafter, they fled away from there. Thereafter, injured was taken to hospital for treatment and they also threatened for dire consequence. Hence, this FIR is lodged. The learned counsel for the petitioners submitted that the petitioners are innocent and have committed no offence and have falsely been implicated in this case. It has further been submitted that there is delay of 27 days in lodging the FIR without explanation of in ordinate delay and informant and accused are own relatives and petitioner No. 1 was also injured in the incident and except section 110 BNS, rest sections

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Contd...P/2 15-04-2026	are bailable in nature and section is not made out against the petitioners. On such basis, it has been prayed that petitioners be enlarged on anticipatory bail. On the other hand, learned Additional Public Prosecutor for the State opposed the prayer for anticipatory bail of the petitioners. Heard both the parties. Perused the case record as well as case diary it transpires that there are allegations against these accused-petitioners that they have assaulted the Bishundev Sah and when informant went to rescue him then they have also assaulted the informant by means of Khanti and iron rod by which they got injured badly. Para-2 of the case diary is the re-statement of informant who reiterated the prosecution case. Para-5 & 6 of the case diary are the statements of witnesses who have also supported the case of the prosecution. Para-22 of the case diary is the injury report of injured Jitendra Kumar Sah which reveals that the doctor has found swelling and tenderness over left forearm approx 2 cm x 3 cm, small abrasion of size 1 x 2 cm over middle of chest, shallow left tentorial subdural hematoma, mild ventriculomegaly involving the lateral ventricles, third ventricles suggestive of early obstructive hydrocephalus, non-displaced fracture of the right frontal bone with extension into the right parietal bone and squamous part of the right temporal bone and doctor has opined that injury No. 1 grievous in nature. Further, investigation against these accused-petitioners are still pending. Keeping in view the nature of the offence, complicity & conduct of the accused petitioners, severity of punishment and submissions of the learned counsel for the parties, the allegations against the petitioners are serious in nature. So, I am of the view that applicants/petitioners do not deserve for anticipatory bail and accused-petitioners are directed to come in regular bail. Accordingly, their prayer for anticipatory bail is hereby Rejected. Sd/- Additional Sessions Judge-II Bhagalpur
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