

Present: Jyoti Kumar Kashyap, DASJ-XI, Bhagalpur

ABP No. 546/2026

Nathnagar (Madhusudanpur) P.S. Case No. 417/2020

State Vs. Kailash Ram @ Kailash Singh

Dated:- 09-04-2026

**In the Court of District & Additional Sessions Judge-XI, Bhagalpur
(Anticipatory Bail Petition No.- 546/2026)**

(In connection with Nathnagar (Madhusudanpur) P. S. Case No. 417/2020)

In the matter of :

1. Kailash Ram @ Kailash Singh, aged about 44 years, S/o Late Nago Ram @ Nageshwar Ram, resident of Village- Ganora, Baderpur, P.S.- Masudanpur, District- Bhagalpur.

Petitioner.

Versus

The State of Bihar

Respondent/State

Crl. Antecedent: Nil (as per para 3 bail petition)

Counsel for the petitioner :- Mr. S.P. Gupta, Ld. Advocate.

Counsel for the Respondent/State :- Mr. Hem Kant Jha, Ld. A. P. P.

09-04-2026

1. This is an application for grant of anticipatory bail U/s 482 BNSS 2023 (corresponding to section 438 Cr.P.C), filed on behalf of above-named accused-petitioner, who apprehending his arrest in connection with Nathnagar (Madhusudanpur) P.S. Case No. 417/2020, punishable for the offences U/s 341, 323, 147, 354, 379, 504, 506 of IPC.

2. Heard learned counsel appearing on behalf of the petitioner and learned Addl. P.P for the State.

3. Learned counsel for the accused-petitioner has filed necessary certificate in para-02 of the bail petition stating therein that earlier no anticipatory or regular bail has been filed either before the court of learned Sessions Judge or before the Hon'ble High Court, Patna. Petitioner has got no criminal antecedent as mentioned in para 3 of bail petition.

4. The learned counsel for the petitioner submitted that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Entire allegation against the petitioner is false and concocted. The alleged sections are not at all applicable against the petitioner. Both parties are family members. It is further submitted that there is land dispute between the parties and for that reason the petitioner has been dragged in this case only with a view to harass him. The present case is the counter blast of Nathnagar (Madhusudanpur) P.S. Case No. 418/2020 lodged by petitioner Kailash Ram @ Singh against the informant's sides and only with a view to save the skin from that case the present case has been lodged falsely. There is no specific allegation against the petitioner rather the allegation against him is general and omnibus in nature. Earlier, co-accused persons have been granted anticipatory bail by the court of Learned D.A.S.J.- X, Bhagalpur vide order dated 13-11-2020 passed in A.B.P. No. 2120/2020 and the case of petitioner stands on similar footing. Investigation of the case has been completed & charge-sheet has been submitted against the petitioner. During investigation the petitioner was granted benefit u/s 41(A) of C.r.P.C. and he never misused the said privilege. The petitioner

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undertakes to abide by all the terms and conditions as may be imposed by this Hon'ble Court under Section 482(2) of the B.N.S. The petitioner is ready and willing to furnish sufficient sureties to the satisfaction of this Hon'ble Court.

5. On the other hand, the Ld. A.P.P opposed the prayer for anticipatory bail of petitioner.

6. Prosecution case as stated in the First Information Report is that on 09-07-2020 at about 07:30 AM, the informant Lalita Devi was plugging 'Parol' in her field where the accused persons named in the FIR including petitioner having weapons in their hands, came and started abusing her and when she protested them, Kailash Mandal asked other accused persons to assault her and thereupon the other accused persons namely Prakash Ram, Sumit Kumar, Rani Kumari, Sabita Devi and Sonu Kumar assaulted her by lathi, danda, Paini & iron-rod and when her husband came to save her then accused Kailash Ram hit on his head with iron-rod on which the informant's tried to save himself and sustained injury on his hand. It is further alleged that accused Prakash Ram caught her hair and pulled on the ground, sat on her and assaulted her mercilessly and when her daughter Chandni Kumari came to save her, she was prevented by the accused Sunny Kumar, who pushed her on the land and assaulted her indiscriminately. It is further alleged that on hulla villagers arrived and saved them and in course thereof the wife of Kailash Ram snatched gold chain from the neck of informant. At the fag end of written application, the reason behind the occurrence as alleged is that the accused persons are trying to grab her land.

7. Having heard learned counsels for both the parties and perused the case record as well as case diary, it transpires that an FIR has been registered U/s 341, 323, 147, 354, 379, 504, 506 of IPC against the above-named accused petitioner. The main allegation against the petitioner is that he along with other co-accused persons abused and assaulted the informant & her family members. There is land dispute between the parties. The present case is the counter blast of Nathnagar (Madhusudanpur) P.S. Case No. 418/2020 lodged by petitioner Kailash Ram @ Singh against the informant's sides. There is no specific allegation against the petitioner rather the allegation against him is general and omnibus in nature. Earlier, co-accused persons have been granted anticipatory bail by the court of Learned D.A.S.J.-X, Bhagalpur vide order dated 13-11-2020 passed in A.B.P. No. 2120/2020 and the case of petitioner stands on similar footing. During investigation, the petitioner was granted benefit u/s 41(1) of Cr.P.C. vide para 31 of the case diary and there is no complain regarding misuse of the benefit granted U/s 41(1) of Cr.P.C. Investigation of the case has been completed, nothing remained to investigate, charge-sheet has been submitted and cognizance has also been taken against the petitioner on 18-01-2021. The offences as alleged in FIR are punishable with the imprisonment for less than seven years. The petitioner is ready to abide all the conditions of the court.

8. Having considered the aforesaid facts and circumstances of the case, the nature of allegations, case & counter case, the role played by the petitioner and readiness to abide conditions of the court, this court is of the opinion that the petitioner deserve the anticipatory bail. Hence, the prayer for

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anticipatory bail of the petitioner is hereby allowed. The **above-named petitioner is directed to surrender before the Trial Court** within a period of four weeks from the date of receiving of the copy of the said order and in the event of arrest or surrender before the Trial Court, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of like amount each to the satisfaction of Trial Court subject to the following conditions: 1. The petitioner and their bailors shall give their mobile numbers and Email Id, if any at the time of executing the bail bonds; 2. The petitioner shall co-operate in the trial of the case; 3. The petitioner shall not tamper with evidence or intimidate any witness; 4. The petitioner shall not commit any offence of similar nature against the informant; 5. In case of disclosure of any criminal antecedent, the bail bond of petitioner shall be cancelled and; 6. The prosecution/informant shall be at liberty to move for cancellation of bail if any of the above conditions are violated.

(Dictated and corrected by me)

Sd/-

District & Additional Sessions Judge-XI

Bhagalpur

Dated 09-04-2026