

IN THE COURT OF DISTRICT AND ADDITIONAL SESSIONS JUDGE- 3rd NAUGACHIA
Anticipatory Bail Petition No. 57/2026
Arising out of Gopalpur P.S. Case No. 40/2026

1. Balram Rai, aged about 56 years S/o Shivchand Rai
2. Rupesh Kumar Rai @ Rupesh Rai, aged about 34 years S/o Balram Rai
Both R/o - Village - Azamabad, P.S. - Gopalpur, Dist. - Bhagalpur

----- Petitioners
VRS.
The State of Bihar ----- Opposite Party

ORDER

15-04-2026

The petitioners aforementioned in apprehension of their arrest have filed an application seeking protection from arrest in Gopalpur P.S. Case No. 40/2026 in which they are accused. This case was registered under Sections 126(2), 115(2), 329(3)(4), 352, 3(5) B.N.S. and 27 Arms Act against them. Copy of petition has already been served upon the Ld. Addl.P.P.

2. Heard Ld. Counsel for the petitioners and Sri P.N. Sah Ld. Addl. P.P. for State.

3. The grounds under which the petitioners have made their prayer that there is no type of bail petition either earlier file nor pending before Hon'ble High Court, Patna nor gracious court. It is further submitted that the petitioner is quite innocent and he has committed no offence. It is also submitted that the petitioner has falsely been implication in this case due to land dispute and dirty village politics and the allegations according to the B.N.S. is bailable and 27 Arms Act is not applicable against the petitioners. It is also submitted that the petitioners are men of means and there are no chance of their absconding or delaying the trial.

4. The Ld. Addl.P.P. has opposed the prayer of bail of the petitioners.

5. As per factual matrix of the case the allegation of informant, namely, Subhash Rai is that second party, namely, Balram Rai, Nirmal Rai, Rupesh Rai and their grandfather, three brothers after dividing their share, registered it in the name of Dinnanth Rai himself on 23-06-2003 in which Late Ramchandra Rai and late Shivcharan Rai are witnesses, whereas they do not have any share in the right, yet Balram Rai registered area 7.66 decimals in Khata 362, Khasra 1029 got another registry of Khata 362, Khasra 1024 for Pooja Kumari, area 4.25 decimals of Pauniya Devi's registry done more. It continues even though C.O. had said that this receipt was issued incorrectly and had forbidden anyone from going on the land, yet Nirmal Rai, Balram Rai, Rupesh Rai with weapons were thrashing around with their hands at 06:00 P.M. and also beaten up both of the informant and his brother and fired in the air. After frightening the informant lodged an F.I.R. against the accused persons.

6. On the basis of written application of the informant, namely, Subhash Rai Gopalpur P.S. Case No. 40/2026 dated 02-02-2026 under Sections 126(2), 115(2), 329(3)(4), 352, 3(5) B.N.S. and 27 Arms Act was registered.

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7. As directed case diary of this case has been produced. Perused the same. It transpires from perusal of case record land dispute admitted by the both parties and counter case between both parties. It also transpires that there is no criminal history against the petitioners as per case record. Further investigation is still going on.

8. Regard being had to the aforementioned discussions, it is ordered that in the event of arrest or surrender of the petitioners whichever is earlier, within four weeks of communication of this order to the Court of Ld. A.C.J.M.-1st, Naugachia, let the petitioners be released on bail on furnishing two sureties of rupees fifteen thousand (15,000 x 2) subject to condition that surety shall be one close relative and the petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the court and the petitioners do not tamper with the evidence or the witnesses. However, the acceptance of bail bonds in terms of the above mentioned conditions fulfilled by the petitioners as laid down all to the satisfaction of the Court of Ld. A.C.J.M.-1st, Naugachia.

Nitu Kumar
15/04/26
District & Additional Sessions Judge-3rd,
Naugachia, Bhagalpur
Dated 15-04-2026