

In The Court of Sessions Judge, Buxar

A.B.P. No. 41 of 2026

(Arising out of Brahampur P.S. Case No. 140 of 2025)

1. Tinu Kuwar, aged about 23 years,
2. Subodh Kuwar, aged about 28 years, both are sons of Late Subhash Kuwar
Both are R/o Village + Post- Gaighat, Police Station- Brahampur, District- Buxar
..... Petitioners

Versus

State of Bihar

..... Respondent

Appearance:

Learned Public Prosecutor for the State: Sri Kedar Nath Tiwari

Learned Counsel for petitioners: Sri Dhiraj Kumar, Ld. Adv.

Present: Kajal Jhamb
Sessions Judge, Buxar

Date of Order: 11th March, 2026

Anticipatory Bail Petition filed on behalf of petitioners named above, who are apprehending their arrest in connection with **Brahampur P.S. Case No. 140/2025** registered u/s 109(1), 115(2), 126(2), 351(2), 352, 3(5) of B.N.S. 2023 is put up and moved today.

Copy of bail petition has already been served to the Learned Public Prosecutor for the State.

Learned Counsel for the petitioners certifies that no other bail petition has ever been filed on behalf of the petitioners in this matter either before this Court or before any Superior Court. The petitioner Tinu Kuwar has got no criminal antecedent and petitioner Subodh Kuwar has got criminal antecedent but the details are not known.

The Counsel further submits that petitioners are quite innocent and have been falsely implicated in present case. The co-accused Vishal Kuwar has been granted bail by learned C.J.M, Buxar on 26.08.2025. All the Sections of F.I.R. are bailable except Section 109 B.N.S. which is not made out against the petitioners. The occurrence is alleged to be taken place on 01.08.2025 at about 07.00 P.M. whereas the F.I.R has been lodged on 02.08.2025 at about 17.05 hours without assigning any reason for the delay. The fact of the matter is that informant and his family members assaulted petitioners and others regarding which Kiran Kumari, sister of petitioners has also filed a case vide Brahampur P.S. Case No. 146/2025. The petitioner Tinu Kuwar was severely injured and he was treated at Trauma Center, Varanasi. The informant has alleged that the petitioners have assaulted him

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and his younger brother by iron rod which is not believable. There is no direct or indirect allegation against the petitioners. Petitioners therefore, deserve to be enlarged on anticipatory bail.

Learned Public Prosecutor for the State strongly opposes the Bail Petition and submits that the petitioners have concealed the criminal antecedent. They have claimed that Tinu Kuwar has got no criminal antecedent and petitioner Subodh Kuwar has got criminal antecedent but the details are not known, whereas, as per para 36 of the case diary, both the petitioners have got criminal antecedent of as many as 3 cases.

Considering the submission of learned Counsels of both sides and authorities laid down by Hon'ble Apex Court in Munesh Vs. State of Uttar Pradesh [SLP (Crl.) No. 1400/2025 dated 03.04.2025) and Firoj @ Farhu Vs. State of Rajasthan [SLP (Crl.) No. 14532/2025 dated 17.12.2025) the present anticipatory bail petition of petitioners namely **Tinu Kuwar and Subodh Kuwar** is hereby **rejected** on the ground of concealment of criminal antecedent, without going into the merits of the case.

Dictated
Sd/- Kajal Jhamb
Sessions Judge, Buxar
11-03-2026

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