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Santosh Kumar Pandey, D&ASJ – II, Darbhanga
ABP No. 651/2026
(Arising out of Bahadurpur P. S. Case No. 255/2024)
Chandeshwar Rai @ Rajeshwar Rai and others versus the State of Bihar.
Date of Order – 08.05.2026

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II, DARBHANGA

Anticipatory Bail Petition No. 651/2026

- 1. Chandeshwar Rai @ Rajeshwar Rai** s/o Late Ram Autar Rai,
- 2. Rajan Kumar** s/o Chandeshwar Rai @ Rajeshwar Rai,
- 3. Raushan Kumar** s/o Chandeshwar Rai @ Rajeshwar Rai,
- 4. Candan Kumar @ Chaman Kumar** s/o Chandeshwar Rai @ Rajeshwar Rai,
- 5. Guriya Kumari** d/o Chandeshwar Rai @ Rajeshwar Rai,
- 6. Moni Kumari** d/o Chandeshwar Rai @ Rajeshwar Rai, all are resident of Village - R. S. Tank, Nautolia, P.S. - Bahadurpur, District - Darbhanga

----- Petitioners

versus

State of Bihar

----- Opposite Party

Appearance(s):

Counsel for the Petitioner(s) : Sri J. A. Khan, Learned Advocate.
Counsel for the State : Sri A. N. Jha, Learned Public Prosecutor.
Counsel for the Informant : Sri. S. L. Yadav, Learned Advocate.

ORDER
08.05.2026

1. The present application has been filed on behalf of the petitioners seeking anticipatory bail in connection with Bahadurpur P.S. Case No. 255 of 2024, instituted for the offences punishable under Sections 329(4), 115(2), 118(1), 126(2), 303(2), 74, 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as the “BNS”).
2. The prosecution case, as disclosed in the First Information Report, in brief, is that on 13.07.2024 at about 09:00 PM, accused Chandeshwar Rai along with several other accused persons allegedly entered the house of the Informant and assaulted him and his family members. It is alleged that Tapeswar Sah, younger brother of the Informant, was dragged and thrown on the ground by the accused persons. Co-accused Chaman Kumar is alleged to have assaulted him with a dagger causing injury to his left eye and also snatched a gold chain weighing about 10 grams. It is further alleged that certain accused persons assaulted the female inmates of the Informant’s family, while others abused and assaulted the Informant. The female accused persons are also alleged to have entered the house and snatched ornaments. The injured persons were subsequently taken to DMCH, Darbhanga for medical treatment. It is further

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alleged that on the following day, i.e., 14.07.2024, some of the accused persons again entered the house of the Informant and assaulted him.

3. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have falsely been implicated due to previous enmity and village rivalry. It has further been submitted that there exists a case and counter-case between the parties arising out of the same occurrence. Learned counsel further submitted that the petitioners have no criminal antecedents and had cooperated during the course of investigation. It has also been submitted that notices under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 were served upon the petitioners and despite such notices, no allegation of misuse of liberty or non-cooperation has been reported by the Investigating Agency. On the aforesaid grounds, prayer for anticipatory bail has been made.
4. Learned Public Prosecutor, assisted by learned counsel for the Informant, opposed the prayer for anticipatory bail and submitted that the petitioners are specifically named in the FIR and allegations of assault, trespass and snatching have been levelled against them.
5. I have heard learned counsel for the parties and carefully perused the materials available on record including the case diary. From the materials available on record, it appears that the petitioners are named in the FIR. It further transpires that after completion of investigation, charge-sheet has already been submitted against the accused persons and cognizance has been taken by the learned Court concerned. The case diary reveals that notices under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 were issued to the petitioners during investigation and no allegation regarding misuse of liberty or non-cooperation has been reported. The injury report available on record reveals that injured Tapeshwar Kumar sustained a lacerated wound measuring about 3 cm × 1 cm × 0.5 cm over the left eyebrow, abrasion over the right elbow and bleeding from the nose. One injury on the nose has been opined to be grievous in nature caused by hard and blunt substance. However, no allegation of repeated assault or repeated blows has been specifically attributed to the

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present petitioners in the materials presently available on record. It is also relevant to note that the petitioners were not arrested during the course of investigation and the investigation has already concluded. There is also no mention of any criminal antecedent of the petitioners in the case diary.

6. At the stage of consideration of anticipatory bail, the Court is required to examine whether custodial interrogation is necessary and whether denial of pre-arrest bail is warranted in the facts of the case. In the present matter, considering the nature of allegations, the completion of investigation, the conduct of the petitioners during investigation, the absence of criminal antecedents, and the fact that no misuse of liberty has been reported despite issuance of notice under Section 35(3) BNSS, this Court is of the considered opinion that the petitioners deserve the privilege of anticipatory bail.
7. Accordingly, the application stands **allowed**.
8. It is directed that in the event of arrest or surrender before the learned Court below within a period of six weeks from the date of this order, the petitioners, namely **Chandeshwar Rai @ Rajeshwar Rai, Rajan Kumar, Raushan Kumar, Candan Kumar @ Chaman Kumar, Guriya Kumari and Moni Kumari**, shall be released on bail upon furnishing bail bonds of ₹10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of the learned Court concerned, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Santosh Kumar Pandey)
Additional Sessions Judge-II
Darbhanga
08.05.2026

Date of Judgement/order	08.05.2026
Date of reserving judgement/order	08.05.2026
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