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Santosh Kumar Pandey, D&ASJ – II, Darbhanga
ABP No. 789/2026
(Arising out of Manigachhi P.S. Case No. 104/2026)
Kanhaiya Kamti and others versus the State of Bihar.
Date of Order – 19.06.2026

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II, DARBHANGA
Anticipatory Bail Petition No. 789/2026

1. Kanhaiya Kamti s/o Arjun Kamti,
2. Vikas Mukhiya s/o Ram Bharosh Mukhiya,
3. Shivam Kumar Das @ Shivam Das s/o Dinesh Das,
4. Shatrughan Mukhiya s/o Muneshwar Mukhiya, all are resident of Village - Lahta,
P.S. - Manigachhi, District - Darbhanga ----- Petitioners
versus
State of Bihar ----- Opposite Party

Appearance(s):

Counsel for the Petitioner(s) : Sri U. N. Prasad, Learned Advocate.
Counsel for the State : Sri A. N. Jha, Learned Public Prosecutor.

ORDER
19.06.2026

1. The present application has been filed on behalf of the petitioners under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking the privilege of anticipatory bail in connection with Manigachhi P.S. Case No. 104 of 2026 registered for offences punishable under Sections 351(1), 352, 115(2), 126(2), 109(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
2. The prosecution case, as emerging from the fard-beyan forming the basis of the First Information Report, is that on 25.04.2026 a dispute took place between the Informant and one Ankush Jha, during which the latter allegedly threatened to kill the Informant. It is further alleged that on 06.05.2026 at about 05:00 P.M., near Tokna Pond, the Informant was surrounded by several accused persons, namely Sagar Jha, Ankush Jha, Vikash Mukhiya, Gauri, Rajesh Mukhiya, Kanhaiya, Shivam Das, Shatrughan Mukhiya, Shivam Thakur, Ankit and Munna. The accused persons allegedly abused the Informant and, upon his protest, accused Sagar Jha ordered that he be killed. It is alleged that thereafter all the accused persons caught hold of the Informant and accused Ankush Jha inflicted a dagger blow near his neck, which became embedded in his body. Upon raising alarm, local villagers arrived at the spot, whereupon the accused persons fled away. The embedded dagger was subsequently removed during a surgical procedure at Darbhanga Medical College and Hospital (DMCH). On the basis of these allegations, the present

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case came to be instituted against eleven named accused persons including the present petitioners.

3. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have been falsely implicated due to previous enmity. It has been contended that the allegations made in the FIR are exaggerated and that no specific overt act causing injury has been attributed to the present petitioners. Learned counsel submits that the specific allegation of inflicting the dagger blow is exclusively against co-accused Ankush Jha, who is not a petitioner before this Court. It is further argued that the petitioners have clean criminal antecedents and their implication is merely on account of their alleged presence in the assembly. Learned counsel also submits that this Court has granted regular bail to a co-accused in Bail Petition No. 504 of 2026 and, therefore, the petitioners are entitled to the benefit of parity. On the aforesaid grounds, prayer for anticipatory bail has been made.
4. Per contra, learned Public Prosecutor opposed the prayer for anticipatory bail. It has been submitted that the petitioners are specifically named in the FIR and are alleged to have actively participated in the occurrence. Learned Public Prosecutor further contends that the investigation is still in progress and custodial interrogation of the accused persons may be necessary for a fair and effective investigation of the case.
5. I have heard the learned counsel for the parties and carefully perused the materials available on record, including the case diary. Upon perusal of the FIR, it appears that the present petitioners have been specifically named amongst the group of accused persons alleged to have surrounded the Informant and participated in the occurrence. The prosecution case is not of mere passive presence but attributes active participation to all the accused persons in restraining and overpowering the Informant before the assault was allegedly carried out by co-accused Ankush Jha. The injury report of the Informant, namely Raushan Kumar, reveals that he sustained a stab injury over the back of the left shoulder measuring approximately 3 cm × 1 cm × 6

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cm, situated above the medial aspect of the left scapula. The medical evidence collected during investigation appears to support the allegation of assault with a sharp-edged weapon. The case diary further indicates that the dagger remained embedded in the body of the Informant and had to be surgically removed at DMCH, Darbhanga. The nature of the injury and the circumstances in which it was allegedly inflicted lend prima facie support to the prosecution version at this stage. Though the specific act of inflicting the dagger blow is attributed to co-accused Ankush Jha, the prosecution case alleges concerted action by all accused persons acting in furtherance of a common object or common intention. At the stage of consideration of anticipatory bail, the Court is not required to conduct a meticulous examination of the evidence or record definitive findings regarding individual culpability. The allegations are required to be viewed in the light of the materials collected during investigation. The case diary further reveals in Paragraph No. 59 that the petitioners do not have any criminal antecedents. The absence of criminal antecedents is undoubtedly a factor that weighs in favour of the petitioners. However, it is only one of the considerations and cannot, by itself, outweigh the seriousness of the allegations and the prima facie materials available on record.

6. So far as the plea of parity is concerned, the petitioners have relied upon the order passed by this Court in Bail Petition No. 504 of 2026 whereby a co-accused was granted regular bail. However, the principle of parity cannot be applied mechanically. A distinction exists between an application for regular bail after arrest and an application for anticipatory bail seeking protection from arrest. The considerations governing the two remedies are not identical. The materials presently available do not indicate that the factual circumstances, stage of investigation and role attributed to the petitioners are completely identical to those of the co-accused who has already been granted regular bail. Consequently, the plea of parity does not advance the case of the petitioners at this stage.

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7. It is also pertinent to note that the investigation is still in progress. The allegations disclose a serious incident involving a deadly weapon and a potentially life-threatening injury. At this stage, the Investigating Agency should not be deprived of the opportunity to conduct a full and effective investigation, particularly where allegations of collective participation in a violent occurrence have been levelled.
8. Having regard to the nature and gravity of the accusations, the specific role attributed to the petitioners in the occurrence, the medical evidence corroborating the prosecution case, the serious injury sustained by the Informant, and the fact that investigation is still pending, this Court is of the considered view that the petitioners have failed to make out a case warranting exercise of the extraordinary discretionary jurisdiction for grant of anticipatory bail.
9. Consequently, this Court does not find any sufficient ground to extend the privilege of anticipatory bail to the petitioners.
10. Accordingly, the prayer for anticipatory bail made on behalf of the petitioners stands **rejected**.
11. Let a copy of this order be transmitted to the learned Court concerned forthwith for information and necessary action.

(Santosh Kumar Pandey)
Additional Sessions Judge-II
Darbhanga
19.06.2026

Date of Judgement/order	19.06.2026
Date of reserving judgement/Order	19.06.2026
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