

In the Court of Sessions Judge, Darbhanga.**A.B.P. No. 874/2026**

1. Rahul Kumar, son of Raj Kumar Sah

2. Raj Kumar Sah, son of Jangali Sah

R/o Village- Jittu Gachhi, Phulwari PS- Town , District-Darbhangha

.....Petitioners.

Versus

The State of Bihar..... Opposite Party.

For the petitioners: Shri Kamlesh Kumar ,Learned Advocate.

For the O.P.(State): Shri. A.N. Jha, Learned Public Prosecutor.

ORDER

20.06-2026: Application for anticipatory bail has been filed on behalf of the petitioners namely Rahul Kumar and Raj Kumar Sah who are apprehending their arrest in connection with Town P.S. Case No. 40/2026 for the offences U/ss. 115 (2), 126 (2), 303 (2), 3 (5) of the BNS, pressed today.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor for the State.

3. The allegation is that on the alleged date of occurrence of 18.02.2026 at about 3:00 PM, accused Rahul Kumar, Raj Kumar Sah came at the fruit shop of the informant and started assaulting informant's son with blunt portion of Dabiya, due to which he sustained injury. When informant came to save his son, then both accused also assaulted him and accused Rahul Kumar took away cash of Rs.35,000/- from the cash box and accused Raj Kumar Sah snatched golden chain from the neck of the informant. The genesis of the occurrence is that accused persons were selling green coconut in front of informant's shop, which was opposed by the informant, resulting into the institution of the present case.

4. It is submitted on behalf of the petitioners that the petitioners are quite innocent, have committed no offence and have falsely been implicated in this case. It has further been submitted that no occurrence has alleged in the First Information Report has ever taken place rather, the present case is a counter-blast of Town P.S Case No. 41 of 2026 instituted at behest of one Rahul Kumar petitioner no. 1 against the informant and others and only to save skin from the above case the present case has been instituted. The further submission is that

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the allegation of theft is ornamental only to give a different colour though no such occurrence has ever taken place. Hence, the petitioners may be granted the privilege of anticipatory bail.

5. On the other hand, the learned Public Prosecutor opposes the prayer for anticipatory bail.

6. Heard and perused the case diary. Para no. 2 of the case diary reflects re-statement of the informant supporting the occurrence. Para no. 8 is the description of place of occurrence which appears situated at place Darbhanga Tower Chowk. Para no. 5, 6 and 21 of the case diary reflects the statement of witnesses supporting the occurrence. Para no. 11 is the clean antecedent of the petitioner and the injury report reflects pain and swelling over mid back of Abhi Raj and pain in right hand of Anil Sah.

7. Under the facts and circumstances of the present case, the nature of allegation is that there is case and counter-case between the parties coupled with the clean antecedent of the petitioners. Accordingly, in the event of their arrest or surrender before the learned court below within four weeks from the date of receipt of this order, let the petitioners namely **1. Rahul Kumar, 2. Raj Kumar Sah** be released on bail on furnishing bail bond of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount to the satisfaction of the Court of learned Chief Judicial Magistrate, Darbhanga subject to conditions as laid down u/s 482(2) of the B.N.S.S.

Dictated

(Ajay Kumar Sharma)
Sessions Judge, Darbhanga.
20-06-2026.