

In the Court of District & Addl. Sessions Judge-II, Benipur , Darbhanga.

Present

Sri Rishi Gupata
I/C District & Addl. Sessions Judge-II, Benipur
Darbhanga, dated, the 18th April 2026

Anticipatory Bail Petition no. 21 of 2026

Abhishek Kumar

.....Petitioner.

Versus

The State of Bihar

.....Opposite Party

Counsel for the petitioner :- Sri Krishna Kumar Jha, Ld. Advocate

Counsel for the State :- Smt. Punam Jha, Ld. APP

ORDER

18.04.2026 The present anticipatory bail petition has been filed on behalf of petitioner namely Abhishek Kumar, S/o Phuleshwar Yadav, Vill Katwasa, PS Bahera, Dist. Darbhanga who is apprehending his arrest in connection with Bahera P.S Case No. 508/2025, for offence u/s 126(2), 115(2), 118(1), 303(2), 75, 351(2), 352, 3(5) of BNS, which is pending in the Court of Ld. ACJM, Benipur, Darbhanga.

Heard Sri Krishna Kumar Jha the Ld. Counsel for the petitioner and Smt. Punam Jha, Ld. A.P.P. on behalf of the State.

The Prosecution story in brief is that, on dated 09.12.2025 at around 8-9 AM, when the informant was at his home, accused persons (total 8) carrying deadly weapons like bhala, farsa, iron rod, lathi and sticks reached there. That accused Phuleshwar Yadav ordered other accused to kill the informant and his family members, on which accused Raushan Kumar attacked with iron rod on the head of the informant which actually hit on informant's back and he fell down. That when the informant was on the ground, accused Abhishek Kumar attacked with iron rod on his head. That to prevent the attack, the informant stopped the jolt of iron rod from his hands due to which his right hand got injured. That in the mean time accused Rajesh Kumar Yadav attacked with wooden side of the farsa at informant's back and badly injured him. That when informant's son Rajnish Kumar intervened accused Raushan Kumar attacked with iron rod on his head which hit on hand of him. That when informant's wife Bhibha Devi intervened, accused Raushan and Abhishek pulled her down from her hair and disrobbed her while dragging her on the ground. That accused persons Mamta Kumari, Punita Devi, Preeti Kumari and Ram Kumari Devi entered into the house of

the informant and took away a box carrying Rs. 20,000/- cash and important documents of land. That accused Abhishek Kumar snatched gold chain from the neck of Rajneesh. That injured were taken to PHC, Benipur. That in between a Panchyat took place due to which this FIR was filed with some delay.

The Ld. Counsel for the petitioners submits that, the petitioners has not committed any offence and he is quite innocent. The petitioner has falsely been implicated in this false case due to village politics. That the petitioner has no criminal antecedents. That no such occurrence did ever took place as alleged in FIR. That all sections are bailable except 118(1), 75 and 303(2) of the BNS which is not made out against this petitioner. That the petitioner is the nephew of the informant. That said occurrence has occurred on dated 09.12.2025 but put up the petitioner before the SHO Bahera P.S. on dated 15.12.2025 according to FIR. That there are 6 days delaying in lodging the FIR without any explanation. That the father of the petitioner lodged a FIR earlier against the informant and ors. Which is Bahera P.S. Case No. 507/2025. That the petitioner is man of means and no chance of their absconding or tempering with Pws if enlarged on bail. Hence it is prayed that your honour be pleased to grant anticipatory bail to the petitioner.

On the other hand Ld. APP appearing for the State opposed the prayer of bail of the petitioner.

Heard, Submissions of both parties and perused the record. From perusal of the case records, it can be seen that this case has been filed u/s 126(2), 115(2), 118(1), 303(2), 75, 351(2), 352, 3(5) of BNS. That the offence charged with are triable by the Magistrate. That the accused has no criminal antecedent. That a counter case for the said occurrence was also filed. That the police complied with provision of 35(3) BNSS and till now there is no complaint as such for misuse of such previllage by accused person. That the charge-sheet has been submitted. So in the light of these facts and circumstances, this court not finds it proper to let the sword of arrest hanging on the petitioner and accordingly this Court finds it proper to allow the anticipatory bail petition of this petitioner namely **Abhishek Kumar, S/o Phuleshwar Yadav**, Vill Katwasa, PS Bahera, Dist. Darbhanga. That in case of arrest or surrender within a period of three weeks of receipt of this order by the concerned court, the accused petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousands/-) with two sureties of like amount each to the satisfaction of the court below and with the conditions that the petitioner shall remain present physically till framing of charge.

(Dictated and Corrected)

(Sri Rishi Gupta)
I/C District & Addl. Sessions Judge-II
Benipur
18.04.2026

Date of Order	18.04.2026
Date of Reserving Order	18.04.2026
Uploading Date	21.04.2026
Uploaded by	Aman Raj (Add. Clerk)

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