

In the Court of Sessions Judge, East Champaran at Motihari.

Present:-

Abhishek K. Das
Sessions Judge,
East Champaran at Motihari.

Anticipatory Bail Petition No. 1084 of 2026

- 1. Sachin Kumar @ Chhotelal Kumar, aged about 19 years, S/o- Ramnath Prasad Kushwaha.**
- 2. Akash Kumar, aged about 20 years, S/o- Anil Prasad Kushwaha.**
Both R/o village- Jinarwa Phulwar, P.S. Lakhuara, District- East Champaran. ----- **Petitioners.**

Versus

The State of Bihar.

-----**Opposite party.**

Counsel for the Petitioners :- Sri Hemant Kumar, Advocate.
Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.

25.03.2026

This anticipatory bail petition is filed on behalf of petitioners, namely, (1) Sachin Kumar @ Chhotelal Kumar and (2) Akash Kumar, who are apprehending their arrest in connection with Lakhuara P.S. Case No. 345/2025 u/ss 115(2), 126(2), 109(1), 333, 196, 351(2), 191, 352 and 3(5) of Bharatiya Nyaya Sanhita.

As per para-2 of the anticipatory bail petition, no other anticipatory or regular bail petition has been filed earlier on behalf of the petitioners either in this Court or before the Hon'ble Patna High Court. As per para-3 of the anticipatory bail petition, the petitioners have no criminal antecedent.

As per F.I.R. all the persons named in the F.I.R. including the petitioners armed with iron rod, *fattha*, sword, *lathi*, *bhala*, *barchhi* and revolver came at the informant's house and abused him. When protested, on the order of Jainath Prasad Kushwaha, Sonu Kumar assaulted him with iron rod, causing injury on his eyebrow and fractured his hand. Pinkesh Kumar assaulted him with iron rod, resulting in head injury with oozing blood. Vivek Kumar and Sonu Kumar assaulted the informant's son Sajid Alam with iron rod, resulting in head head injury and he became unconscious. Shripatti Devi and Jainath Prasad Kushwaha assaulted Raish Alam with *lathi* and iron rod, resulting in head and eyebrow injury with oozing blood. The accused persons also assaulted Tabrej Alam and Hasim Alam with iron rod and *lathi*, causing head injury to Tabrej Alam while Hasim Alam suffered fractured arm. Furthermore, Pradeep Kumar armed with revolver began issuing death threats to anyone who might attempt to intervene or come to their rescue.

The learned counsel for the petitioners has submitted that the petitioners are quite innocent and they have committed no offence. The petitioners are students

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and they have not committed any offence. Moreover, good sense has already been prevailed between the parties.

The learned Public Prosecutor appearing on behalf of the State opposed the prayer for anticipatory bail.

Heard both sides and perused the record. From perusal of the record, it transpires that the petitioners are named in the F.I.R. with the allegation that they alongwith other co-accused persons, in furtherance of their common intention, abused and assaulted the informant and his family members. As per injury reports, attached with case diary, Sajid Alam sustained (1) comminuted and depressed fracture of right side of frontal bone and frontal sinus walls, the fracture segment impinge on right frontal lobe and (2) right frontal convexity SDH is seen in right frontal convexity measuring upto 0.6cm in thickness and both the injuries are grievous, Md. Atiullah received swelling on right forearm, abrasion on right palm of size 3cm x 1/2cm, stitched wound on left side of forehead of size 2.5cm x 1cm and Md. Raies received stitched wound on upper part of head of size 1cm x ¼ cm and abrasion on front of neck of size 1/4cm x 1/6cm. As per para-3, 4, 12, 13, 14, 15 and 68 of the case diary, the informant in his restatement and the witnesses including the injured witness have corroborated the version of F.I.R. and supported the prosecution case. As per para-3 of the anticipatory bail petition and para-54 of the case diary, the petitioners have no criminal antecedent. As per para-36 of the supplementary case diary, the investigation is under progress.

In the facts of the case as discussed above and keeping in view the nature of allegation and materials available in the case diary, I am of the considered view that this is not a fit case for grant of anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioners, namely, **(1) Sachin Kumar @ Chhotelal Kumar** and **(2) Akash Kumar** stands **rejected**.

(Dictated)

Sd/-

Sessions Judge
East Champaran at Motihari
25.03.2026