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

Present:-

Abhishek K. Das
Sessions Judge,
East Champaran at Motihari

Anticipatory Bail Petition No. 1374 of 2026

- 1. Vishal Kumar, aged about 25 years, S/o- Bharat Sah.**
- 2. Bharat Sah, aged about 50 years, S/o- Late Bilash Sah.**
All R/o village- Kalyanpur, P.S. Kalyanpur, District- East Champaran.

-----Petitioners.

Versus

The State of Bihar ----- **Opposite party.**

Counsel for the Petitioners :- Sri Chandra Shekhar Azad, Advocate.
Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.

21.04.2026

This anticipatory bail petition is filed on behalf of the petitioners, namely, (1) Vishal Kumar, (2) Bharat Sah, who are apprehending their arrest in connection with Kalyanpur P.S. Case No. 57 of 2026 U/S 103(1) and 3(5) of Bharatiya Nyaya Sanhita, 2023.

In para-2 of the anticipatory bail petition, it is mentioned that no other anticipatory or regular bail petition has been filed on behalf of the petitioners either in this Ld. Court or before the Hon'ble Patna High Court, Patna. In para-3 of the anticipatory bail petition, it is mentioned that the petitioners have no criminal antecedent.

As per F.I.R., the son of the informant, Harshit Kumar, stays with his maternal home and studies. On 07.02.2026 at 2:00 PM, Vishal Kumar (petitioner) forcibly made Harshit Kumar sit in his gold-silver shop regarding the gold and silver ornaments sold by informant's son Harshit Kumar one months ago and started questioning him whether he had given gold or silver and gradually Bharat Sah (petitioner), Rahul Kumar and Priyam Kumar made him sit in the shop and after questioning him, took him hostage and killed him near Katahi bridge east of Bari Canal and threw him in the Canal. Upon getting information, after investigation, the body was seen floating in Bari Canal. Thereafter, the local police station was informed about the incident and the local police station took the body into its custody and sent it to Sadar Hospital for post-mortem.

The learned counsel for the petitioners has submitted that the petitioners are quite innocent and have been falsely implicated in this case. The deceased had sold a silver ring to the petitioners for Rs. 2,200/- a month before the incident. After some time, when the

petitioners inquired about the ring, it appeared that the deceased had gotten the ring from someone else by stealing and sold it to the petitioner. After finding the fact that the petitioners called him to take back his ring and give the money. The deceased's maternal uncle (mama) paid the amount of Rs. 1,000/- through the online payment method and Rs. 1,200 through cash, and take ring back and the deceased along with him.

The learned Public Prosecutor appearing on behalf of State have 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 the petitioners called the informant's son to their shop and murdered him and thrown his body to the canal with regard to the ornament sold by the informant's son to the petitioners and others earlier. As per para-5, 6 & 7 of the case diary, the informant and witnesses have supported the prosecution story while para- 19 of the case diary containing statement of the witness Sujit Kumar shows that the deceased jumped into the canal in his presence. As per para-41 of the case diary containing Post-Mortem report, froth mixed blood coming out from both nostrils and cause of death is Asphyxia due to drowning. As per para-3 of the anticipatory bail petition and as per para-49 of the case diary, the petitioners have no criminal antecedent.

In the facts of the case as discussed above and keeping in view the nature of allegation and gravity of offence, I am not inclined to give privilege of pre-arrest bail to the petitioners. Accordingly, the prayer for anticipatory bail of petitioners **(1) Vishal Kumar, (2) Bharat Sah** stands **rejected**.

(Dictated)

Sd/-

Sessions Judge
East Champaran at Motihari
21.04.2026