

In the court of Distt. & Addl. Sessions Judge-19th East Champaran, Motihari

Present:- Rajvijay Singh

A.B.P No. 1380/2026

(Ghorasahan P.S. Case No. 516/2023)

Rajesh Kumar & Ors. Vs. State of Bihar

Dated 24.03.2026

01. This anticipatory bail petition has been filed on behalf of (1) Rajesh Kumar, S/O- Ramesh Prasad Madhukar, aged about 41 years (2) Mukesh Kumar, S/O- Ramesh Prasad Madhukar, aged about 34 years (3) Ramesh Prasad Madhukar, S/O- Madan Sah @ Madan Lal Prasad, aged about 67 years & (4) Sheo Shambhu Prasad @ Sheo Shambhu Prasad Suman, S/O- Madan Sah @ Madan Lal Prasad, aged about 66 years in connection with Ghorasahan P.S. Case No. 516/2023 under sections 341/323/325/324/307/379/504/506/34 of the I.P.C. Today, power has been filed on behalf of the informant.

02. The petitioners apprehend arrest in connection with the above-mentioned case on the allegations of abusing and assaulting the informant and his staff and also taking away cash of Rs. 9200/- from the shop of the informant.

03. Learned counsel for the petitioners submitted that the petitioners are quite innocent and have committed no offence as alleged and have falsely been implicated in this case. Further stated that no other anticipatory or regular bail petition has been filed by the accused petitioners either in this court or before the Hon'ble High Court. Further stated that the petitioners no. 1 to 3 have got one criminal antecedent and petitioner no. 4 has got two criminal antecedents. Further stated that during investigation police provided facility to the petitioners u/s 35(3) of the B.N.S.S. Further stated that the fact is that the petitioners have not committed any offence with the informant rather on the alleged date of occurrence the informant side blocked the road of the petitioner's shop for that the petitioners opposed the act of the informant, upon which the informant side became aggressor and brutally assaulted the petitioners and many persons were injured in that occurrence, for which the petitioner Ramesh Kumar Madhukar has lodged an F.I.R. vide Ghorasahan P.S. Case No. 510/23 against the informant and his family members. Lastly it has been stated that the petitioners are ready to give sureties for the satisfaction of this court.

04. Learned Addl. Public Prosecutor & Ld. counsel for the informant opposed the prayer of bail and prayed for rejection of prayer of bail of petitioners.

05. Heard Ld. Counsel for the petitioners, Ld. counsel for the informant & Ld. A.P.P. for the state.

06. From perusal of the record, it shows that there is a specific allegation against

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petitioner no. 2 namely Mukesh Kumar of inflicting injuries over the head of informant and one of the injuries to the informant is stated to be grievous in nature. In these circumstances, this court is not inclined to grant anticipatory bail to the petitioner no. 2 namely Mukesh Kumar and hence his prayer for anticipatory bail is being rejected.

As far as petitioners No. 1, 3 & 4 namely Rajesh Kumar, Ramesh Prasad Madhukar & Sheo Shambhu Prasad @ Sheo Shambhu Prasad Suman are concerned, there is no such specific allegation of assault against these petitioners so as to deny them the relief as claimed. In these circumstances, this court is inclined to grant anticipatory bail to these petitioners.

07. Accordingly, it is directed that petitioners no. 1, 3 & 4 namely Rajesh Kumar, Ramesh Prasad Madhukar & Sheo Shambhu Prasad @ Sheo Shambhu Prasad Suman on surrender before the court within four weeks from the date of order/ or at the time of arrest shall be released on furnishing bail bond of Rs. 10,000/- with two sureties of like amount, each subject to the conditions as laid down u/s 438 (2) of the Cr.P.C. to the satisfaction of the Ld. Court below.

Dictated

Sd/-

Distt. & Addl. Sessions Judge-19th
Motihari