

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

Present:-

Abhishek K. Das
Sessions Judge,
East Champaran at Motihari

Anticipatory Bail Petition No. 1555 of 2026

- 1. Vishwanath Sah, aged about 69 years, S/o- Late Gobari Sah.**
- 2. Nilam Devi, aged about 36 years, W/o- Bhagwan Sah.**
- 3. Sanju Devi, aged about 38 years, W/o- Satyanarayan Sah.**
- 4. Sugandhi Devi, aged about 57 years, W/o- Jawaharlal Sah @ Jawahar Sah.**

All are R/o-Village- Mahuawa, P.S. Mahuawa, District- East Champaran.

	----- Petitioners.
	Versus
The State of Bihar	----- Opposite party.
Counsel for the Petitioners	:- Sri Rajeev Kumar Dwiedi, Advocate.
Counsel for the State	:- Sri Khublal Prasad, Public Prosecutor.

24.04.2026

This anticipatory bail petition is filed on behalf of petitioners, namely, (1) Vishwanath Sah, (2) Nilam Devi, (3) Sanju Devi and (4) Sugandhi Devi, who are apprehending their arrest in connection with Mahuawa P.S. Case No. 154 of 2025 u/ss 126(2), 115(2), 117(2), 109, 76, 75, 303(2), 352, 351(2) 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 ever been filed 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 petitioner no. 3 Sanju Devi has one criminal antecedent vide Chhauradano(Mahuawa) P.S. Case No. 301/2022, besides that other petitioners have no criminal antecedent.

The prosecution case, in brief, is that on 05-12-2025 at about 01:00 P.M. while the informant Roshni Kumari, who is aged about 13 years was plucking vegetable in field, Arjun Kumar and Sujit Kumar started molesting her and tore her clothes, due to which she became semi-naked and they also tried to do something wrong with her. On commotion, the mother (Punam Devi) and grandmother (Tara Devi) of informant reached there and tried to save her, then other accused armed with weapons reached there. Jawahar Sah assaulted the informant with iron-rod upon her hand, resulting fracture of her right hand. Vishwanath Sah (petitioner) assaulted the mother of

informant with khanti resulting fracture of right hand. Sujit Kumar assaulted the grandmother of informant with the handle of spade resulting fracture of her hands. Arjun Kumar assaulted the mother of informant with iron-rod upon her head with intention to kill her. During assault, Sugandhi Devi (petitioner) snatched mangal-sutra worth Rs.50,000/- from the mother of informant and Sanju Devi (petitioner) snatched gold earring worth Rs.30,000/- from the grandmother of informant. Nilam Devi (petitioner) snatched gold Hanumani from the informant.

The learned counsel for the petitioners-accused has submitted that the petitioners-accused are innocent and they have committed no offence and they have falsely been implicated in this case due to old pattidari, partition grudge and land dispute. It is further submitted that land dispute is going between the parties and Title Suit No.412 of 2023 is going between them. No such type of occurrence took place between the parties. There is counter case vide Mahuawa P.S. Case No.153 of 2025 and only with a view to put pressure to compromise the case, the informant has filed this false case. In this case, all sections are bailable except 76, 109 and 309(2) of the B.N.S., which is not made out against the petitioners.

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

Heard both sides and perused certified copy of F.I.R. as well as case diary. As per F.I.R., the specific allegation of assault to the informant's mother is against the petitioner Vishwanath Sah with iron-khanti, resulting in fracture of hand and the rest petitioners have snatched the gold ornaments of informant and her family members. As per injury reports, informant's mother Poonam Devi has received fracture of the distal shaft of ulna with associated with tissue swelling and informant's grandmother Tara Devi has received Fracture shaft radius (right) and fracture shaft ulna (left), which are grievous in nature and caused by hard & blunt substance. The allegation of assault against the petitioner Vishwanath Sah is corroborated with the injury report of informant's mother. The informant vide para-2 and witnesses vide para-6, 7 and 36 of the case diary have corroborated the version of F.I.R. As per para-3 of the bail petition, petitioner no. 3 Sanju Devi has one criminal antecedent vide Chhauradano(Mahuawa) P.S. Case No. 301/2022, besides that other petitioners have no criminal antecedent. In the entire case diary no entry was made regarding criminal antecedent of the petitioners-accused.

In the facts of the case and keeping in view the specific nature of allegation the petitioner (1) Vishwanath Sah, I am not inclined to give privilege of pre-

arrest bail to the him. Accordingly the prayer for anticipatory bail of the petitioner, namely, **(1) Vishwanath Sah** stands **rejected**.

So far as another petitioners, namely, (2) Nilam Devi, (3) Sanju Devi and (4) Sugandhi Devi are concerned, there is no specific allegation of assault them except the allegation of snatching. These petitioner are ladies.

Considering the above, I am inclined to give privilege of pre-arrest bail to the petitioners (2) Nilam Devi, (3) Sanju Devi and (4) Sugandhi Devi. Accordingly, in the event of their arrest or surrender before the learned court below, within four weeks from the date of receipt of copy of this order, the petitioners **(2) Nilam Devi, (3) Sanju Devi and (4) Sugandhi Devi** are ordered to be released on anticipatory bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Ld. Court below in the aforesaid case subject to condition as laid-down u/s 482(2) of B.N.S.S.

Let a copy of this order be communicated to the Superintendent of Police, East Champaran at Motihari to take necessary action against the erring I.O., for nor verifying the criminal antecedent of the accused persons properly.

(Dictated)

Sessions Judge
East Champaran at Motihari
24.04.2026