

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

Present:-

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

Anticipatory Bail Petition No. 2650 of 2026

- 1. Ansuman Kumar @ Ansuman Sah @ Anusuman Sah, aged about 20 years, S/o- Jai Karan Sah.**
 - 2. Anand Mohan Kumar @ Anand Mohan, aged about 22 years, S/o- Mahesh Sah.**
- Both R/o Village- Harbolwa, P.S. Chiraiya, District- East Champaran.

-----**Petitioners.**

Versus

The State of Bihar

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

Counsel for the Petitioners :- Sri Shiv Shankar Ray, Advocate.
Counsel for the State :- Sri Khublal Prasad, Public Prosecutor.
Counsel for the Informant :- Sri Nagendra Prasad Singh, Advocate.

30.06.2026

This anticipatory bail petition is filed on behalf of the petitioners (1) Ansuman Kumar @ Ansuman Sah @ Anusuman Sah and (2) Anand Mohan Kumar @ Anand Mohan, who are apprehending their arrest in connection with Tr. No. 1556/2026 arising out of Chiraiya P.S. Case No. 189/2025 u/ss 126(2), 115(2), 118(1), 109, 352 and 3(5) of Bhartiya Nyaya Sanhita, 2023.

As per para-2 of the anticipatory bail petition, the petitioners preferred anticipatory bail petitions vide A.B.P. No. 3566/2025 and A.B.P. No. 2492/2025 respectively before this Court which were rejected, thereafter the petitioners preferred anticipatory bail petitions before the Hon'ble Patna High Court vide Cr. Misc. No. 69265/2025 and Cr. Misc. No. 52504/2025 respectively which were dismissed as withdrawn, except that no other anticipatory or regular bail petition has been filed on behalf of the petitioners either in this Court or before any superior Court. As per para-3 of the anticipatory bail petition, the petitioners have no criminal antecedent.

As per F.I.R., the informant Jagdish Sah alleged that on 11.05.2025 in the morning the informant's pattidar broke the pipe of drainage of the informant, for which at about 2:00 PM the informant started opening the drainage, in the mean time, all the persons named in the F.I.R. including these petitioners armed with weapons and iron rod came there and stated abusing him. Anand Mohan Sah (petitioner) assaulted the informant with *farsa* on the middle of his head, due to which he sustained head injury

with oozing blood. Anusuman Sah (petitioner) assaulted informant's son Ashok Sah with *Garansa* on his head, due to which he sustained head injury with oozing blood and became unconscious, then Mani Sah assaulted him with iron rod, due to which his finger of left leg got fractured. Rabi Sah, Rinku Kumari, Sunny Sah and Kalawati Devi assaulted the informant's daughter-in-law Kiran Devi with *lathi*, stick, leg and fists. All the accused persons also assaulted the informant's minor granddaughter and grandson with stone, *lathi* and stick. Mahesh Sah snatched gold *Mangalsutra* worth of Rs. 20,000/- from the neck of Kiran Devi.

The learned counsel for the petitioners has submitted that the petitioners are innocent and they have committed no offence. After due investigation, police submitted charge-sheet against other co-accused persons and the petitioners were not sent up for trial, but the learned Court below took cognizance against the accused persons including the petitioners also. There is not even a whisper of allegation against the petitioners. There is inordinate delay of two days in lodging the F.I.R. and the said abnormal delay has not been explained in the F.I.R. It is further submitted that the present second anticipatory bail petition is maintainable due to change in circumstance i.e. submission of charge-sheet and taking of cognizance.

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

Heard both sides and perused the record and case diary. From perusal of record, it transpires that this is the second anticipatory bail petition of the petitioners. Their first anticipatory bail petitions were rejected by the predecessor Court and at that time the investigation against them at early stage. Now, the investigation against the petitioners is closed and cognizance has been taken against them also, as such the second anticipatory bail petition of the petitioners is maintainable as change of circumstance. As per F.I.R., there is allegation against the petitioners that the petitioner Anand Mohan Sah assaulted the informant with *farsa* on the middle of his head and the petitioner Anusuman Sah assaulted informant's son Ashok Sah with *Garansa* on his head. As per para- 57 and 58 of the case diary, containing injury reports, Ashok Sah (informant's son) received simple injuries of incised wound on right side parietal bone and lacerated wound on back of head and Jagdish Sah (informant) received simple injury of lacerated wound on middle of head. As per para- 2, 8, 9, 10 of the case diary, the informant in his restatement and the witnesses in their statement have corroborated the version of F.I.R. However, as per para- 70 and 71 of the case diary, the witnesses

have not supported the prosecution case and have stated that the informant, his son and their associates assaulted the petitioners' side. As per para- 130, 131 and 132 of the case diary, the independent witnesses have stated in their statements that both the parties are pattidars and they had quarrel with each other on the day of occurrence and both sides received injuries. They have further stated that they did not see the petitioners involved in the occurrence. As per para-3 of the anticipatory bail petition, the petitioners have no criminal antecedent. In the entire case diary, no entry was made regarding the criminal antecedent of the petitioners.

Considering the above facts, I am inclined to give privilege of pre-arrest bail to the petitioners. Accordingly, in the event of arrest/surrender within four weeks from the date of receipt of copy of this order before the learned court below, the petitioners **(1) Ansuman Kumar @ Ansuman Sah @ Anusuman Sah** and **(2) Anand Mohan Kumar @ Anand Mohan** are ordered to be enlarged on anticipatory bail upon furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court in the aforesaid case, subject to the conditions as laid down U/S 482(2) of B.N.S.S. alongwith other following conditions:-

- (i) one of the bailors should be the family member/relative of the petitioners,
- (ii) the petitioners shall appear on each and every date before the Ld. Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Ld. Trial Court itself,
- (iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds, and
- (iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

Let a copy of this order be communicated to the Superintendent of Police, East Champaran at Motihari to take necessary against the erring I.O. for non-submission about the criminal antecedent of the petitioners in the entire case diary.

(Dictated)

Sd/-

Sessions Judge
East Champaran at Motihari
30.06.2026