

IN THE COURT OF PRINCIPAL SESSIONS JUDGE
DISTRICT-GOPALGANJ

Anticipatory Bail Petition No. 486 of 2026

(Arising out of Sidhwaliya P.S. Case No. 26 of 2026, registered U/S 126(2), 115(2), 118(1), 109, 351(3), 352, 74, 76 and 303(2)/3(5) of the B.N.S.)

In the matter of :-

Name of the petitioners :1.) Sudish Mahto, 2.) Sunita Devi, 3.) Meena Devi and 4.) Sarswati Devi.
F.I.R. U/S : 126(2), 115(2), 118(1), 109, 351(3), 352, 74, 76 and 303(2)/3(5) of the B.N.S.
Charge-Sheet U/S : Not submitted
Counsel for the Petitioners : Shri Sharik Imam, ld. Adv.
Counsel for the State : Shri Deo Vansh Giri, ld. P.P.

Order.

12-03-2026

1. This Anticipatory bail petition filed on behalf of above named accused-petitioners, who are apprehending their arrest in connection with Sidhwaliya P.S. Case No. 26 of 2026, registered U/S 126(2), 115(2), 118(1), 109, 351(3), 352, 74, 76 and 303(2)/3(5) of the B.N.S., is put up for hearing.

2. As per the FIR, prosecution case in brief is that on the basis of written application of the informant, Sidhwaliya P.S. Case No. 26 of 2026 has been lodged against the petitioner and others. It is inter alia alleged in the F.I.R. that on dated 29-01-2026 at about 08:20 am, owing to the dispute of drainage water, altercation took place between the parties and petitioner along with other accused persons started abusing. When informant made protest, petitioner Sudidh Mahato inflicted farsa blow on the head of the informant and he sustained bleeding injury on his head and he fell down and he raised alarm. On alarm, informant's daughter-in-law came to save the informant, who was attacked with farsa on her head and in order save herself, she sustained cut and bleeding injury in her cheek and she fell down and she was again attacked with farsa and she sustained cut and bleeding injury in her cheek and she became unconscious. In the meanwhile, informant's wife came to save, accused Jagdish Mahto started assaulting her with lathi-dand and she sustained injuries and accused Jagdish Mahto tore the blouse and Sari of the informant's daughter-in-law with intention to outrage her modesty and he became half naked. It is alleged that petitioner Sarswati Devi took out gold chain from the informant's daughter-in-law with intention to commit theft and accused Satan Mahto took out Rs. 3000/- from the pocket of the informant with intention to commit theft.

3. It is submitted on behalf of accused/petitioners that they are innocent and have committed no offence and have been falsely implicated in this case. It is further submitted that no offence U/S 109 B.N.S. is made out against the petitioners and allegation U/S 74 and 76 of the B.N.S. are specifically against co-accused Jagdish Mahto, who is not petitioner in this case. It is further submitted that the alleged occurrence arisen out of a land dispute and the parties are close agnates. It is further submitted that petitioner 2 to 4 are women and

there is no specific allegation of assault against these petitioners. It is further submitted that there is unexplained delay in lodging the F.I.R., which creates

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serious doubt. It is lastly submitted that petitioners have got no criminal antecedent. On such strength, prayer for bail has been made by the petitioners.

4. Heard ld. Counsel appearing on behalf of the petitioners as well as ld. P.P. for the State. Ld. P.P. has opposed the prayer for bail of the accused-petitioners. During the course of hearing of this anticipatory bail matter, informant appeared before the court along with ld. Counsel and opposed the bail prayer of the petitioner.

5. Having heard both the parties and perused the case record. From the perusal of the F.I.R. as well as case record, it transpires that petitioners are named in the F.I.R. and although, there is allegation against petitioner Sudish Mahto that he has allegedly inflicted farsa blow on the head of the informant and he sustained bleeding injury on his head but there is no specific allegation of any overt-act attributed against remaining accused-petitioners and allegation of theft against Saraswati Devi is ornamental and petitioner no. 2 to 4 are women and there is two days delay in lodging the F.I.R. without any cogent reason. Informant and injured witnesses at para-02, 02 and 06 of the case diary have repeated the version of the prosecution and they have stated that occurrence has taken place due to the dispute of drainage water. Though, there is mention of injury reports of injured persons but opinion has been kept reserved. Para-49 of the case diary shows that petitioners have got no criminal antecedent.

6. Considering the aforesaid facts and circumstances of this case, the prayer for anticipatory bail of the petitioner no. 2.) Sunita Devi, 3.) Meena Devi and 4.) Sarswati Devi is allowed. It is accordingly ordered that in the event of arrest or surrender before the ld. Court-below within 30 days from the date of this order, the petitioner no. 2.) Sunita Devi, 3.) Meena Devi and 4.) Sarswati Devi shall be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of ld. Court-below subject to conditions as laid down U/S 482(2) B.N.S.S. **subject to conditions that one of the bailers shall be close relative of the petitioners and one shall be local with further condition that petitioners will give an undertaking that they shall co-operate in the investigation/trial and they shall not temper with the witnesses or evidence.**

So far as, petitioner no. 1.) Sudish Mahto is concerned against whom there is specific allegation of inflicting farsa blow on the head of the informant, this anticipatory bail petition stands disposed off with direction to the petitioner no. 1.) Sudish Mahto to surrender before the ld. Court below with prayer of regular bail within 30 days from this order in the ld. Court below and ld. court below shall pass order in accordance with law, without being prejudiced from this order.

Let a copy of this order be sent to the ld. Lower court for information and needful.

(Dictated)

Presiding Officer: Geeta Gupta,
Principal Sessions Judge, Gopalganj

(Geeta Gupta)
Principal Sessions Judge, Gopalganj.