

**IN THE COURT OF PRINCIPAL SESSIONS JUDGE**  
**DISTRICT-GOPALGANJ**

**Anticipatory Bail Petition No. 487 of 2026**

*(Arising out of Baikunthpur P.S. Case No. 22 of 2026, registered U/S 126(2), 115(2), 118(1), 117(2), 109(1), 76, 303(2) and 352 of the B.N.S.)*

**In the matter of :-**

Name of the petitioner : Babujan Miyan  
F.I.R. U/S : 126(2), 115(2), 118(1), 117(2), 109(1), 76, 303(2) and 352 of the B.N.S.  
Charge-Sheet U/S : Not submitted.  
Counsel for the Petitioner : Shri Bipin Rai, Id. Adv.  
Counsel for the State : Shri Deo Vansh Giri, Id. P.P.

**Order.**

**18-03-2026**

1. This Anticipatory bail petition filed on behalf of above named accused-petitioner, who is apprehending his arrest in connection with Baikunthpur P.S. Case No. 22 of 2026, registered U/S 126(2), 115(2), 118(1), 117(2), 109(1), 76, 303(2) and 352 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, Baikunthpur P.S. Case No. 22 of 2026 has been lodged against against the petitioner and others. It is inter alia alleged in the F.I.R. that on 11-01-2026 at about 04:00 pm, accused Gaush Ali forcefully started taking the bicycle of the informant and informant made protest, he assaulted the informant with fists and slaps and taken away the bicycle of the informant. Informant went to her husband, who was getting his land measured, and she was telling about the incident, from behind, accused Bhushan Miya armed with rod and accused Imamuddin Miya armed with Gadansi and other accused persons armed with farsa, sword and lathi-dada and while abusing started assaulted her husband with fists and slaps. When informant went to save, accused Marsid Miya assaulted her lathi and he outraged her modesty. Accused Bhushan Miya assaulted the informant's husband with rod and he sustained fracture injury in his back and he fell down. In the meanwhile, accused Imammuddin Miya ordered to kill the informant's husband. Over which, accused Gaush Ali inflicted farsa blow on the head of informant's husband and he sustained bleeding injury in his head and having seen this, informant fell down. Meanwhile, petitioner Babujan Miya snatched the gold-chain of the informant and after that noticing her husband dead, all the accused persons fled away.

3. It is submitted on behalf of accused/petitioner that he is innocent and has committed no offence and has been falsely implicated in this case due to high handedness of police. It is further submitted that there is case and counter-case between the parties and it is a case of free-fighting in between them. It is further submitted that there is land dispute between the parties. It is further submitted that all the Sections areailable but Sec. 76 and 109 B.N.S. are non-ailable, which has been added with a view to illicit motive. It is further submitted that co-accused persons have been granted bail in B.P. No. 83/26. It is further submitted that injuries are simple in nature and there is no specific allegation against the petitioner. It is lastly submitted that petitioner has got no criminal antecedent. On such strength, prayer for anticipatory bail has been made by the petitioner.

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4. Heard ld. Counsel for the petitioner as well as ld. P.P. for the State. Ld. P.P. has opposed the prayer for anticipatory bail of the accused-petitioner.

5. Having heard both the parties and perused the case record along with case diary. From the perusal of the F.I.R. as well as case diary, it transpires that petitioner is named in the F.I.R. against whom there is allegation of snatching of gold-chain of the informant with intention to commit theft but there is no specific allegation of overt-act attributed him rather the allegation is general and omnibus and allegation of theft is ornamental. Although, informant and witnesses at para-02, 06 and 07 of the case diary have supported the case of the prosecution but witness at para-06 of the case diary has stated that there is previous land dispute between the parties and witness at para-07 of the case diary has not alleged anything against this petitioner. From perusal of the injury report of injured at para-36 of the case diary, it appears that two injuries have been found on the person out of them, although injury no. 1 is found to be grievous but injury no. 2 is found to be simple in nature and both the injuries are caused by hard and blunt substance. There is no mention of any criminal antecedent of the petitioner in the case diary. From perusal of the record, it appears that there is case and counter-case between the parties and the matter appears to be of free-fighting. It further appears that two co-accused persons have been granted bail by this court in B.P. No. 83 of 2026.

6. Considering the aforesaid facts and circumstances of this case, the prayer for anticipatory bail of the petitioner 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 above named petitioner 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 petitioner and one shall be local with further condition that he will file an undertaking that he will cooperate in the investigation/trial and he will not temper with the evidence.**

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

**(Dictated)**

**(Geeta Gupta)**  
**Principal Sessions Judge, Gopalganj.**