

THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE- II, JAMUI
Dablu Kumar & 5 OTHERS VS. THE STATE OF BIHAR
A.B.A. NO. - 303 Of 2026

ORDER

Present: Sudhir Sinha

09.04.2026

This anticipatory bail petition has been filed on behalf of petitioners **1. Dablu Kumar @ Virendra Kumar, 2. Bam Bahadur Yadav @ Bahadur Yadav, 3. Niraj Kumar, 4. Suraj Kumar, 5. Sintu Kumar@Dhirendra Kumar and 6. Phaudi Yadav** who are apprehending arrest in Malaypur P.S. Case No. 133/2025 registered u/s-115(2), 117(2), 294, 331(5), 3(5) of BNS, the copy of which is served upon the Id. P.P.

The Id. Counsel for the petitioners has submitted that they are quite innocent. The petitioners have got no criminal antecedent. No other bail petition has been filed on behalf of petitioners u/s 482 or 483 of B.N.S.S. either in this Id. Court or before the Hon'ble High Court, Patna. The Police has given notice u/s-35(3) of BNSS to the petitioners. The petitioners have committed no offence and have falsely been implicated in this case due to land dispute. The petitioners and the informant are the descendants of the same ancestors. All sections are bailable in nature except Section 331(5) of BNS is not applicable against the petitioners. The petitioners are men of means, there is no chance of their absconding. They are ready to furnish bail bond to the satisfaction of the Id. Court. In such view the Id. Counsel prayed to admit the petitioners to anticipatory bail.

The Id. Addl. PP opposed the prayer for bail.

On perusal of the LCR and case diary it is clear that the petitioners are F.I.R. named accused persons. The prosecution case as per written information of Raju Yadav is that on 26.12.2025 at about 10:00 PM. His neighbours Bambahadur Yadav, Dablu Yadav, Sintu Kumar, Phaudi Yadav, Niraj Kumar, Suraj Kumar all abused and assaulted him and his mother. They were forcibly digging pillars on his land. Upon his objection, insisting they measured the land before digging the pillars. Then the accused persons abused and assaulted him and his mother with lathi. Again they forcibly entered into his house and they abused with filthy languages. Pintu Kumar having lathing in his hand assaulted at his hand due to which his hand was fractured. Bahadur Yadav assaulted at his head, causing cut. Nearby people took him to Sadar hospital for treatment.

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The informant in his re-statement in para-2 has stated the same facts. The witnesses in CD para-6, 7 and 21 have supported the incident. In para-30 there is no criminal antecedent against the petitioners. As per CD para-18 the injury report of informant 1. L/W on the occipital bone size 1"x1/2"x1/2", 2. Body Pain, 3. Left wrist joint pain, injury no. 1 and 2 are simple in nature and 2 is grievous in nature. IO has submitted the chargesheet As per CD para-15 the notice u/s-35(3) of BNSS has been served to the petitioners. Therefore applying the principle enumerated in Satendar Antil V CBI that when the investigating agency did not find it necessary to arrest the accused during investigation and submitted the chargesheet, no fruitful purpose shall be served by sending such persons to jail by the Court.

Therefore considering the facts and circumstances of this case having regard to the arguments of both the parties, this anticipatory bail petition is **allowed**. The petitioners **1. Dablu Kumar @ Virendra Kumar, 2. Bam Bahadur Yadav @ Bahadur Yadav, 3. Niraj Kumar, 4. Suraj Kumar, 5. Sintu Kumar@Dhirendra Kumar and 6. Phaudi Yadav** in the event of their arrest or surrender are directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the concerned Court.

Dictated & Corrected

Sd/-

District & Addl. S.J -II, Jamui

09.04.2026

Memo No.dated

Copy to Court of Ld. C.J.M, Jamui.

District & Addl. S.J -II, Jamui

09.04.2026