

THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE- II, JAMUI
NARESH KUMAR DAS & 3 OTHERS VS. THE STATE OF BIHAR

A.B.A. NO. - 443 Of 2026

Mohanpur P.S. Case No. 35/2026

ORDER

Present: Sudhir Sinha

20.04.2026

This anticipatory bail petition has been filed on behalf of petitioners 1. Naresh Kumar Das 2. Sabita Devi 3. Nitish Kumar and 4. Mamta Kumari who are apprehending arrest in Mohanpur P.S. Case No. 35/2026 registered u/s-126(2), 115(2), 109, 352, 351(2), 3(5) of BNS, the copy of which is served upon the ld. P.P.

The ld. Counsel for the petitioners has submitted that no other bail petition was filed either in this ld Court or before Hon'ble High Court, Patna. The petitioner no.1 Naresh Kumar Das has got five more criminal cases, Petitioner no. 2 Savita Devi has got 3 more criminal cases, petitioner no. 3 Nitish Kumar has got three more cases and petitioner no. 4 Mamta Kumari has got one case. The police did not give notice u/s 35(3) of B.N.S.S to the petitioners. As per ld. Counsel the petitioners are innocent, have committed no offence and have falsely been implicated in this case. All sections are bailable except section 109 of B.N.S which is not made out against the petitioners. The petitioners are persons of means and there is no chance of their absconding and they are ready to furnish bail bond to the satisfaction of ld. Court. In such view the ld. Counsel prayed to admit the petitioners to anticipatory bail.

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

On perusal of the case diary it is clear that the petitioners are F.I.R. named accused persons. The prosecution case in brief is that as per the informant Barun Singh on 22.03.2026 at about 4:30 PM, the accused Naresh Kumar Das, Nitish Kumar, Savita Devi, and Mamata Kumari having lathi in their hands with intention to kill, tried to assault his father Ganesh Das, mother Shakuntala Devi and elder brother Ranjit Ravidas. Naresh Kumar Das having lathi with intention to kill, assaulted at the head of his father Ganesh Das, due to which his forehead got cut and it started bleeding, he fell down and became unconscious and started vomiting. When his mother Shakuntala Devi ran to save him, Nitish Kumar having lathi, also assaulted his mother, causing head injury and it started bleeding. She fell down unconscious and then Savita Devi assaulted her on the waist with lathi causing injury at the back of his mother. Mamta Kumari having lathi assaulted at his mother's right hand, due to which her finger got broken and it started bleeding from skin. When his elder brother Renjeet Ravidas came to save them, Naresh Kumar Das assaulted him also, due to which there was a cut at head, it started bleeding and vomiting started. The above mentioned accused persons assaulted his mother, father and elder brother. The injured persons were treated upon at Sadar Hospital, Jamui. The independent witnesses in CD paras-5 and 6 have supported the incident. In paras-40, 43, 44 and 46 there are more cases against the petitioners. The injury

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report of Sakuntala Devi in CD para-56 is (1) Lacerated Wound at left parietal region of head size 3"x1/2" Scalp Deep associated with vomiting, (ii) Pain and Swelling Rt. Middle Finger, (iii) Bruise on left Buttock and (iv) Swelling of left Buttock, all injuries are simple in nature. While as per injury report of Ganesh Das there is (1) Abrasion and Swelling on Occipital Part of Head, 2. Swelling and Pain of Rt. Knee, injuries are simple in nature. While the injuries of Ranjeet Ravidas are also simple in nature. The Court finds that there is direct allegation against the petitioner **Nitish Kumar** that he assaulted at the head of Shakuntala Devi with laathi. The corresponding injury is Lacerated Wound at left parietal region of head of size 3"x1/2" Scalp Deep associated with vomiting which the doctor has found as danger to life based on report of NCCT Brain which shows small 12mm Acute Hemorrhagic contusion in Lt. Frontal Region. He therefore in the opinion of this Court does not deserve anticipatory bail. His prayer for anticipatory bail is **rejected**.

So far as other petitioners Naresh Kumar Das, Sabita Devi and Mamta Kumari are concerned the Court finds allegation against them do not attract section 109 BNS. There is case and counter case. Both parties are pattidars having land dispute.

Therefore in view of the facts and circumstances of this case having regard to the submission of both parties, the anticipatory bail petition of **1. Naresh Kumar Das 2. Sabita Devi and 3. Mamta Kumari is allowed**, who 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

District & Addl. S.J -II, Jamui
20.04.2026