

IN THE COURT OF AMIT KUMAR, ADDL. SESSIONS JUDGE V, JAMUI

-----**(B.A. No. 346/2026)**-----

Arising out of Gidhaur P.S. Case No. 54/2025, District-Jamui

Chandan Kumar Vs. State of Bihar

For Petitioners : Ld. Counsel Sri Shyamdeo Singh with Sri Janardan Mandal.

For The State : Ld. Addl.P.P. Sri Sanjeev Kumar Singh.

Date of order : 09.06.2026

1. The present regular bail application has been filed on behalf of the accused petitioner namely **Chandan Kumar** who is languishing in jail custody since 12.05.2026 in connection with Gidhaur P.S. Case No. 54/2025 registered u/s- 126(2), 115(2), 109, 303(2), 118(1), 118(2), 351, 352 and 3(5) of the B.N.S.

2. The prosecution case in brief is that informant Anita Devi alleges that on dated 24.03.2025 at about 10:00 am, she alongwith her husband Shankar Mandal had gone to cut bamboo tree of their own share. All of a sudden, the accused persons namely Mithlesh Kumar, Chandan Kumar, Rajendra Mandal, Savitri Devi, Guddu Kumar, Sukdeo Mandal, Sarita Devi, Pappu Kumar Mandal and wife of Chandan Kumar altogether having armed with *Tangi*, *Khanti* and Iron rod surrounded her and her husband and while abusing objected the cutting of bamboo tree and threatened to kill them. Meanwhile, Mithlesh Kumar having armed with *Tangi* assaulted on the head of the her husband Shankar Yadav due to which her husband sustained head injury and fell down on the ground and when her husband was lying on the ground, the accused Mithlesh Kumar again assaulted him with *Tangi* due to which he started blood vomiting. Accused Chandan Kumar assaulted her husband on his head with iron rod which hit on the hand of her husband due to which the hand was fractured. When she went to save her husband, Savitri Devi and Sarita Devi caught her and wife of Chandan asked Dharmendra Kumar to kill her, upon which Dharmendra Kumar having armed with iron rod assaulted on her head due to which she sustained head injury and there started bleeding and accused Guddu Kumar strangled her with an intention to kill her due to which she became unconscious and fell down on the ground, meanwhile wife of Chandan snatched away her Mangalsutra and ear ring and the accused persons considering them dead fled away from the spot. By the help of police, the informant and her husband was admitted to Gidhaur government hospital from where they were referred to government hospital Jamui and thereafter considering the critical condition of her husband Shankar Yadav, the doctor referred her husband to Patna. She further states that the condition of her husband is very critical and he may die at any point of time. Hence, this case was lodged against the F.I.R named accused persons.

3. It is submitted by the Ld. Counsel of the petitioner that the petitioner is quite innocent and has committed no offence. He has falsely been implicated in this false and fabricated case. Earlier anticipatory bail was rejected by the sessions court vide ABA No. 650/2025, thereafter petitioner preferred anticipatory bail before the Hon'ble High Court Patna vide Cr. Misc. No. 65397/2025 which also stood rejected. The petitioner has no any criminal antecedent. The instant case is the counter blast of Gidhaur P.S. Case No. 51/2025. The matter of fact is that there happened free fighting in between both the parties due to cutting of bamboo trees in joint possession and the petitioner and his family members also sustained injuries and therefore the petitioner is highly aggrieved. The husband of informant namely Shankar Mandal used *Tangi*

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and brutally assaulted Rajendra Mandal and Mithlesh Kumar. All the sections are bailable except section 109 and 303(2) of the B.N.S.S. which are not made out against the petitioner. Hence, the petitioner may kindly be released on anticipatory bail.

4. On the other hand, Ld. Addl. P.P. submits that the informant and her husband were mercilessly assaulted and got severely injured. It is further submitted that the petitioner together with other co-accused persons assaulted the informant and her husband is the main assailant who caused injury to Shankar Mandal and caused him life threatening injuries. Furthermore, the investigation of this case is still pending against the petitioner. Hence, the petitioner does not deserve bail at this stage.

5. Heard both the parties in detail and perused the record.

6. The FIR has been registered for the offence punishable under sections 126(2), 115(2), 109, 303(2), 118(1), 118(2), 351, 352 and 3(5) of the B.N.S. The statement of witnesses has been recorded vide para no. 5, 6, 20, 21 and statement of independent witnesses has been recorded vide para no. 22, 23 and 24 of the case diary. The injury report of injured Anita Devi has been mentioned at para no. 39 and 72 of the case diary. The injury report of injured Shankar Mandal has been mentioned at para no. 38 as well as at para no. 75. The physical condition of injured Shankar Mandal is mentioned at para no. 66 and 67 of the case diary.

7. Perusal of the record reflects that the accused petitioner is named in the FIR itself and there is allegation against him that he together with other co-accused persons brutally assaulted the informant and her husband due to which informant's husband became seriously injured. There is specific allegation against the petitioner that he assaulted on the head of informant's husband namely Shankar Mandal with iron rod which hit on his hand due to which his hand got fractured. The independent witnesses have also supported the prosecution version. Vide para no. 66 and 67, it has been brought on record that the condition of injured Shankar Mandal is very critical. Perusal of discharge ticket/ report of injured Shankar Mandal filed on behalf of informant reflects that he has severely injured. Furthermore, the act of all the assailants reflects that they have acted in furtherance of their common intention. Investigation against this petitioner is still pending.

8. Considering aforesaid facts and circumstances of the case and taking into consideration the specific allegation against the petitioner, coupled with the nature of injuries sustained by injured Shankar Mandal and pendency of investigation qua the petitioner, this court is not inclined to enlarge the petitioner on regular bail at this stage. Hence, the regular bail application of the petitioner namely **Chandan Kumar, is hereby dismissed.**

9. O/C is directed to send back lower court record along with a copy of this order to the court concerned for needful.

Dictated

Sd/-

Addl. Sessions Judge - V, Jamui

Copy forwarded to the court concerned

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