

Court of Addl. Sessions Judge I, Jehanabad
A. B.P No. 321/2026
Kako (Bhelawar) P.S. Case No. 459/2025
Gaurav Kumar & other v/s State of Bihar

16.05.2026

An application for anticipatory bail petition filed on behalf of accused petitioners namely 1. Gaurav Kumar and 2. Dinesh Sharma, who are apprehending their arrest in connection with Kako (Bhelawar) P.S. Case No. 459/2025 lodged under Sections 126(2), 115(2), 109(1), 118(1), 303(2), 352, 351(2), 351(3), 3(5) B.N.S. has been pressed today for hearing .

Heard Learned counsel for the petitioners Mr. Girja Nandan Singh as well as Mr. Shardanand Kumar, learned P.P.

Prosecution case as per fardbeyan of informant Shaym Yadav, in brief, is that on 07.12.2025 at about 09:30 a.m. when informant went to his field to harvest his paddy, noticed that the crop had been crushed by a tractor. On seeing this, the informant asked who had ruined the harvest and driver the tractor from his field. In the meantime, a tractor of Gaurav Kumar was parked right next to his field. He hearing hulla, he came there, hurled abusing obscene language and threatened to kill him and disposed of his dead body. On protest, he gave chapra blow upon him, anyhow he saved himself. On seeing this, when Rajiv Kumar came to save him, Dinesh Sharma, Renu Devi, Survhi Kumari, equipped with lathi danda in their hand came there, Gaurav Kumar gave chapra blow on his son and fractured the head of his son. Further, stated that with intention to kill, all accused persons assaulted informant and his son with lathi and payna and brutally injured them. During course of assault, Dinesh Sharma took out golden locket from the neck. Renu Devi, Survhi Kumari and Gaurav Kumar caught hold him and thrashed him on the ground and assaulted him with fists and slaps. On seeing gathering of villagers accused persons fled away. Injured Rajiv Kumar brought to Sadar hospital Jehanabad for treatment from where he was referred to PMCH Patna for better treatment.

It has been submitted on behalf of the accused petitioners by their learned counsel that petitioners are innocent and have committed no offence as alleged in the FIR. Petitioners carry no criminal case in their credit. Informant has lodged a false case to save his skin from 458/26 lodged by petitioner no. 2 Dinesh Sharma against informant and others. Further, submitted that all the sections are bailable in nature except 118(1), 109(1) and 303(2) IPC . 118(1) AND 109(1) B.N.S. is not attracted in this case and the section 303(2) B.N.S. is ornamental in nature. Actually, on the alleged date of occurrence informant Shyam Yadav has stopped the tractor of Dinesh Sharma and also along with family members assaulted and snatched golden chain. Petitioners are ready to fulfill the condition imposed u/s 482 B.N.S. Accordingly, prayer has been made to enlarge the petitioners on anticipatory bail.

On the other hand, Learned P.P. has vehemently opposed the prayer for bail.

Heard and perused the case record as well as case diary. From the perusal of record, it appears

that alleged occurrence took place on account of ruined the harvest paddy crop by crushing the tractor. There is case and counter case between the parties. There is no any specific allegation of assault is attributed against petitioners. From the perusal of injury report annexed with case diary it appears that informant's son namely Rajeev Kumar received injuries as lacerated wound in head, Burse left forearm and Body ache, But due to non availability of NCCT of brain, Doctor has opined that injury is simple in nature caused by hard and blunt substances. It also transpires that there is no repetition of blow on the vital part of the body. The allegation of committing theft seems to be ornamental. Petitioners have clean antecedent which has specifically been mentioned in para no. 3 of the bail petition.

Considering the entire facts and circumstances of the case, I am inclined to release the present petitioners on Anticipatory bail. Accordingly, the present anticipatory bail petition is allowed and petitioners above named are ordered to be released on bail on their arrest/surrender in the court within fortnight on furnishing bail bond of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Ld. Court with further condition that one of the bailors shall be family member/close relative of the petitioners, who will file an undertaking as to how he/she is related with the petitioners and petitioners shall file undertaking that they will not be indulge in similar offence in future and cooperate in the investigation .

(Dictated & Corrected by)

*Sd/-
1st Addl. Sessions Judge ,
Jehanabad*

