

IN THE COURT OF ADDITIONAL SESSIONS JUDGE – II, ARWAL – 804401.

- Present: - Preetam Kumar Ratan.
Additional Sessions Judge – II,
Civil Court, Arwal.

Case No.:- **A.B.P. – 594 of 2026.**

[CIS CNR No.:- BRJE01-003491-2026]

[In connection with the Arwal P.S. Case No.:- 124/2026; Dated:- 02-04-2026]

(Arising out of Arwal P.S. Case No.:- 124/2026 @ State Vs. Kusum Devi & Another
Pending in the Court of Chief Judicial Magistrate, Arwal)

In The Matter Of -----

Niranjan Singh @ Niranjan Kumar,

(S/O.:- Late Chaneswar Bharti, aged about 35 – years);
R/O.- Village:- Bara, P.S.:- Arwal, District:- Arwal)
..... Petitioner.

Vs.

State of Bihar

..... Opposite Party.

- FIR registered u/Ss.:- 126(2), 115(2), 117(2), 110, 329(4), 3(5) of the Bhartiya Nyaya Sanhita, 2023 (corresponding to Old Ss.:- 341, 323, 325, 308, 448, 34 of the Indian Penal Code, 1860).
- Criminal Antecedents of the Petitioners: - NIL (As per Paragraphs – 37, 38, 39, 40 of the Case Diary).
- Petitioner in Custody since dated:- Not Applicable.

Appearance: -

- For the Petitioners: - (1) Sri Arvind Kumar, Ld. Advocate (Enrolment No.:- BR-8556/1999).
(2) Sri Harikant Rai, Ld. Advocate (Enrolment No.:- Not mentioned).
(3) Sri Sahil Kumar, Ld. Advocate (Enrolment No.:- Not mentioned).
- For the State: - (1) Sri Sudhir Kumar, Ld. APP (Enrolment No.:- 4193/1995 as an Advocate).
(2) Sri Vijay Kumar Mishra, Ld. APP (Enrolment No.:- 1913/2002 as an Advocate).
(3) Smt. Sadhna Sharma, Ld. APP (Enrolment No.:- 9568/1996 as an Advocate).

Order No.	Date of Order	Order With Signature of the Sessions Judge	Office Note as to Action Taken on the Order (if any) with date
05	23-05-2026	Heard the learned counsels for the petitioner and the learned Additional Public Prosecutors for the State. The petitioner has preferred this application for grant of the anticipatory bail in connection with the Arwal P.S. Case No.:- 124/2026; dated:- 02-04-2026 registered for the offence punishable u/ Ss.:- 126(2), 115(2), 117(2), 110, 329(4), 3(5) of the Bhartiya Nyaya Sanhita, 2023 (corresponding to Old Ss.:- 341, 323, 325, 308, 448, 34 of the Indian Penal Code, 1860). Thus, they seek pre-arrest bail. ❖ THE PROSECUTION CASE : CRUX OF ALLEGATIONS: - As per the prosecution case, the informant alleged that on dated:- 01-04-2026 at about 07:00 P.M., while she was returning to her house, the accused persons intercepted her in the lane and petitioner Niranjan Singh allegedly assaulted with intention to kill, causing fracture of right shoulder. It is further alleged that when the husband of the informant rushed to rescue her, petitioner Niranjan Singh forcibly entered into the house of the informant and assaulted him by means of iron rod on the kneecap, as a result of which he fell unconscious. The F.I.R. contains specific allegations and overt acts against the petitioner.	

A.B.P. No.:- 594 of 2026.

Kusum Devi & Another Vs. State of Bihar.

@ In The Court of Additional Sessions Judge – II, Arwal – 804401.

Date of Order:- 23-05-2026.

CIS No.:- BRJE01-003491-2026.

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Order No.	Date of Order	Order With Signature of the Sessions Judge	Office Note as to Action Taken on the Order (if any) with date
05	23-05-2026 Contd.	❖ <u>GROUND</u>S ARGUED FOR THE BAIL :- Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has falsely been implicated due to previous enmity and neighbourhood dispute. It is submitted that the parties are co-villagers and are residing in the same locality and because of prior dispute, the present false case has been instituted. It has further been submitted that a counter case <i>vide</i> Arwal P.S. Case No.:- 125/2026 has also been instituted from the side of the petitioner regarding the same occurrence. It is further contended that except Section-110, B.N.S., all other offences are bailable in nature and Section 110 B.N.S. has been deliberately added to aggravate the seriousness of the case. It is also submitted that at best the allegation may attract Section-117(2), B.N.S. and not Section-110, B.N.S., 2023. Learned counsel lastly submitted that the petitioner is respectable person of the locality having no criminal antecedent and there is no chance of their absconding or tampering with evidence. ❖ <u>CRUX OF OBJECTIONS MADE TO OPPOSE THE BAIL :-</u> <i>Per contra</i>, learned A.P.Ps. opposed the prayer for anticipatory bail and submitted that there is specific and direct allegation against the petitioner regarding brutal assault by iron rod causing grievous injuries to the injured. It is submitted that the <u>victim sustained grievous injuries</u> and the medical report corroborate the prosecution case. The medical documents clearly establish that the victim-injured sustained fracture injuries on vital skeletal structures. Learned A.P.P. further submitted that during investigation, upon receipt of the medical opinion showing grievous injuries including fracture, addition of Section-109, B.N.S., 2023 has been directed in the charge-sheet, which further reflects the gravity and seriousness of the accusation against the petitioner. <u>FINDINGS OF THE COURT</u> This Court has considered the rival submissions and perused the materials available on record, including the case diary and the medical report. Upon perusal of the entire materials available on record at present, it transpires that: - There is specific allegation against petitioner Niranjan Singh of assaulting the injured by means of iron rod. The prosecution case specifically alleges that petitioner Niranjan Singh assaulted the husband of the informant by means of iron rod causing fracture injury on the kneecap. The injury report brought on record reveals that the injured Amarjeet Kumar (husband of the informant) sustained displaced fracture of left patella along with swelling and also fracture at the acromion of right scapula. The doctor has opined the injuries to be <u>grievous in nature</u> and the injured was referred to higher medical centre for better treatment.	

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05	23-05-2026 Contd.	- The manner of assault as alleged in the F.I.R. and the nature of injuries sustained by the victim indicate gravity and seriousness of accusation. The medical evidence substantially supports the prosecution version at this stage. Thus, the accusation against the petitioner is thus very serious in nature. - It is well settled that fracture or dislocation of bone squarely falls within the category of grievous hurt under the penal law. The injury report and radiological findings clearly support the prosecution case regarding brutal assault resulting into the aforesaid <u>grievous nature of injuries</u>. - This Court further finds that during investigation, in view of the grievous nature of injuries sustained by the victim, addition of Section-109, B.N.S., 2023 in the charge-sheet has also been directed by the Investigating Agency. The said circumstance <i>prima facie</i> indicates seriousness of the occurrence and gravity of assault allegedly committed by the petitioner. - So far as the plea regarding counter case is concerned, mere existence of a case and counter case by itself cannot be a ground for grant of anticipatory bail when there are specific allegations supported by medical evidence against the petitioner. - Similarly, mere absence of criminal antecedent or social standing of the petitioners cannot outweigh the gravity of accusation and nature of injuries caused to the victim. Absence of criminal antecedent alone is not sufficient to extend extraordinary discretionary relief of anticipatory bail in a case involving grievous injuries caused by hard and blunt substance. - The possibility of tampering with evidence and influencing witnesses cannot be ruled out since this case is still in its primary stage of investigation. The materials collected during investigation <i>prima facie</i> disclose commission of serious non-bailable offences. - This Court is conscious of the principles laid down by the Hon’ble Supreme Court in # Satender Kumar Antil Vs. CBI and other judgments governing grant of anticipatory bail. However, it is equally settled that anticipatory bail is an extraordinary discretionary relief intended to be granted only in exceptional circumstances where the Court is satisfied that custodial interrogation is unnecessary and accusations are not grave in nature. To add, it is to highlight here that the anticipatory bail is an extraordinary remedy and is not to be granted as a matter of routine, especially where the allegations disclose serious assault resulting in grievous injuries supported by medical evidence.	

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05	23-05-2026 Contd.	• This Court is thus of the considered opinion that the allegations against the petitioner is not general or bald in nature. The accusation discloses active participation in the occurrence and use of force against the injured persons. In such circumstances, this Court does not find it to be a fit case for extending the extraordinary privilege of anticipatory bail to the petitioner. Hence, considering the nature and gravity of accusation, specific overt acts attributed to the petitioner, medical evidence indicating grievous fracture injuries, subsequent direction for addition of Section-109, B.N.S., 2023 during investigation and overall facts and circumstances of the case, this Court does not find it Judicious to give privilege of pre-arrest bail to the petitioner in the backdrop of these situations of the case. Accordingly, taking into account of the whole above facts, circumstances and above all the gravity of offence and the involvement of the petitioner in the alleged crime, it is hereby-- <u>ORDERED</u> 1) That the instant petition for anticipatory bail of the petitioners viz.; NIRANJAN SINGH @ NIRANJAN KUMAR stands <u>REJECTED</u> for the Ends of Justice. 2) That the Office is directed to send a copy of <u>this Order</u> to the learned Court below for information and needful. 3) That the Office is further directed to get this Order <u>uploaded</u> / <u>updated</u> in the <u>CIS</u> forthwith. 4) That the Office is lastly directed to consign this Case Record, complete in all respect, in the Record Room as per Rule. (Self – Typed) (PREETAM KUMAR RATAN) Additional Sessions Judge – II, Arwal. J. O. Code:- BR-00696 (Bihar). Dated:- this 23rd day of May, 2026.	