

**IN THE COURT OF SESSIONS JUDGE,
KAIMUR AT BHABHUA
(ABP No. 365/2026/ Filing No. 1409/2026)**

In re:

1. Mthailu Rai @ Vikash Rai, aged 27 years,
S/o Santosh Rai,
R/o Vill-Chandesh, P.S-Kudhani, Dist-Kaimur (Bhabua)
2. Rahul Rai @ Rahul Kumar, aged 30 years,
S/o Munna Rai @ Ashok Kumar,
R/o Vill-Chandesh, P.S-Kudhani, Dist-Kaimur (Bhabua)

V/s
STATE

FIR No: 12/2026
P.S : Kudhani
U/s: 126(2),115(2),117(2),109(1),
352,351(2),351(3),3(5) BNS
Date Of Order:09.04.2026

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1. Heard Sri Ashu Kumar Rai, learned counsel appearing on behalf of the accused/petitioners and Sh. Sachidanand Rai, learned P.P. for State.
 2. Petitioners have stated in para 2 of their bail petition that no other bail petition, either anticipatory or regular has been filed/pending except this, either in this court or before Hon'ble High Court at Patna.
 3. Alleging false implication of the petitioners, it is submitted on their behalf that earlier to the alleged occurrence, the informant commit theft of harvester of the petitioners for which a case bearing Kudhani PS case no. 13/2024 has been lodged against the informant by one Ashutosh Rai, a family members of the petitioners and due to this reason, in order to put undue pressure upon the petitioners this false case is lodged, moreover, there is allegation of assault with the butt of pistol and belt which itself indicative to the fact that the intention of causing death is simply lacking had these been any intention on the part of the petitioners, they would have caused gun shot injury but the injuries are simple in nature caused by hard and blunt substance and thus the submission is that no case for the offences under Section 109 of the BNS is made out.

4. Learned PP has opposed the prayer for anticipatory bail to the petitioners.
5. Heard the arguments of both the parties and perused the case record. It transpires from the perusal of record that petitioners are FIR named and allegations against them as per FIR are that on dated 18.02.2026 at around 01:00 PM, the informant is returning to his house carrying grass for cattle. He further alleged that both the accused petitioners have surrounded him near his house and started abusing him and thereafter, assaulted him with belt and pistol butt. The injury report of the informant is attached with case diary showing contusion over elbow joint, left shoulder and upper back region which is simple in nature caused by hard and blunt substance. Petitioners have no criminal antecedent as mentioned in para 15 of case diary. It is submitted on behalf of petitioners that informant has stolen the battery of harvester of one Ashutosh Rai and when he was inquired about the theft and due to this reason he has lodged this case against the petitioners. It is further submitted that from the nature of accusation coupled with injury report, no case under section 109 BNS is made out against these petitioners.
6. Considering the aforesaid facts and circumstances of the case, this anticipatory bail petition is **allowed** and in the event of their arrest or surrender within two weeks from the date of receipt of a copy of this order, these petitioners shall be released on bail on their furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of trial court, subject to conditions as laid down u/s 482 of the BNSS. (Dictated)

Sd/- Anurag
Sessions Judge