

**The court of Sri. Baljinder Pal, Additional Sessions Judge-1st,
cum-Special Judge, Kaimur at Bhabhua**

A. B. P. No. 446 / 2026

In the matter Of :

1. Gabbar Singh Kushwaha @ Dharmendra Singh
S/O- Shankar Singh Kushwaha @ Shankar Singh
2. Prabhat Kushwaha @ Prabhat Singh
S/O- Shyam Sundar Kushwaha @ Shyam Sundar Singh
R/O- Vill- Gehuwan, P.S. Chand
District- Kaimur at Bhabhua

---- Petitioners.

Vs

The State of Bihar ---- O. P.

Crl. Antecedent :- 1 (as per para- 3 of bail application)

(In connection with Chand P.S. Case No. 48 /2026)

Ld. Advocate for the petitioner : Sri. Arun Kumar Srivastava,

Ld. Advocate for the informant : Sri. Birendra Singh

Ld. Advocate for the State : Sri. Sanjay Kr Singh, Ld.Spl. P. P.

ORDER

Date :04.04.2026

1. The above named petitioners seek anticipatory bail in connection with above noted Chand P.S registered for the offence U/s 126(2), 115(2), 118(1), 109(1), 352, 351(2), 3(5) of BNS & 3(1)(r)(s), 3(2)(va) of SC/ST Act. Heard learned advocate for the petitioners and learned Spl PP for the State.

2. The learned advocate for the petitioners submitted that the accused petitioners are quite innocent and have committed no offence rather falsely implicated in this case with oblique and ulterior motive. That there is case and counter case, Sandeep Kushwaha, the accused in this case has also filed Chand P.S. Case No. 49 of 2026 against the informant and others. That all the sections of the case are bailable except section 109 BNS and SC/ST Act which is not applicable to the petitioners. That the petitioners are not present at the place of incident at the time of incident and had gone to Chand market for marketing. The informant deliberately implicated the petitioners due to his belonging to the family which is clear from counter case Chand P.S. Case No. 49 of 2026. That there is no serious injury caused by petitioners all the injuries caused by sticks and are simple in nature. That the overtake was not done by the petitioners or petitioners family member but by the informant or his associates the informant and his associates numbering 10 to 12 agreed that they started beating. The petitioners did not cause any injury. That the petitioners are local men of means and not likely to abscond. That the petitioners are

ready to abide by all terms and conditions as imposed by this Court while granting anticipatory bail.

3. The learned Spl. PP for the state as well as learned advocate for the informant have opposed the prayer of anticipatory bail by submitting that the witnesses in para no. 6 & 7 of case diary have supported the case of prosecution and further submitted that as per para 23 of the case diary six persons were injured. He further submitted that anticipatory bail is not maintainable due to Bar u/s 18 of SC/ST Act.

4. After hearing both side perused the record and found that Chand PS Case No. 48 of 2026 is registered by the informant Rambachan Ram against the petitioners and other accused persons. As per para 23 of the case diary there are six injured persons suffered injuries but doctor opined all injuries are simple in nature except the injury report of injured Rajesh Ram and Tara Devi which are reserved due to awaiting of x-ray report. Investigation is still pending. Considering the above circumstances, it cannot be prima facie said that no offence under SC/ST Act is committed by the petitioners. Accordingly, the prayer of anticipatory bail of petitioners is dismissed being not maintainable u/s 18 of SC/ST Act.

The observations made in this order are based on material available on record till date and submissions of the parties and shall be confined for the disposal of anticipatory bail application and should not be treated as an opinion in the further investigation of the case.

(Dictated)

Sd/-

(Baljinder Pal)

Additional Sessions Judge-1
cum-Special Judge
Kaimur at Bhabhua