

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-X,
KAIMUR AT BHABHUA
(ABP No. 602/2026/ Filing No.2604/2026)**

In re:

1. Sanjay Mushar @ Sanjay Kumar, aged 24 Years,
Son of Ram Pati Mushar.
2. Pintu Mushar, aged 22 Years,
Son of Ram Pati Mushar.
Both R/o- Village- Parari, P S. Bhagwanpur, District- Kaimur (Bhabua)

V/s
STATE

Case No: 549/2025
Case : Complaint.
U/s: 115(2), 305, 74, 3(5) BNS
Date Of Order: 09.04.2026

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1. Heard Sh. Jitendra Kumar Tripathi, learned counsel appearing on behalf of the accused/petitioners and Ms. Saroj Tiwari, learned P.P. for State.
 2. Petitioners have stated in para 2 of their bail petition that they have not filed any bail petition, either anticipatory or regular except this, either in this court or before Hon'ble High Court at Patna.
 3. Denying allegation leveled against the petitioners, it is submitted on their behalf that the petitioners have been falsely implicated in this case and the fact is that due to trivial issues and previous enmity and dirty village politics and the allegation of theft the valuables are totally false and concocted. Petitioners have no criminal antecedent as mentioned in para 03 of their bail petition. However, all sections invoked in this case are bailable except sections 305 and 74 BNS which are not made out in this case. It is, therefore, prayed that this anticipatory bail petition may be allowed.
 4. Learned PP has opposed the prayer for grant of 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 the complainant, Basanti Devi, filed a complaint before the Learned Chief Judicial Magistrate, Bhabua, stating that on 31.07.2025 at about 8:00 PM, while she was sleeping in her house, the accused persons, in furtherance of their common intention, forcibly entered into her house with armed/ weapons and assaulted her. When Sunita Devi

intervened to save the complainant, the accused persons misbehaved with them and forcibly pulled their sarees with wrongful intention, thereby outraging their modesty. During the occurrence, the accused Sanjay Musahar took away gold and silver ornaments and other articles worth about Rs. 50,000/-, while other accused persons also took away rice and utensils and fled from the place of occurrence. When the husband of the complainant arrived upon hearing the alarm, he was also assaulted by the accused persons. The occurrence is stated to have arisen due to previous enmity relating to the marriage of the complainant's daughter on 30.05.2025, after which the accused persons came to the complainant's house in a drunken condition, abused her, and issued threats.

6. The record has been transpired and it is observed that the cognizance of offence is taken under Sections 115(2), 305, 74, 3(5) of BNS against the ten accused persons on 09.10.2025. Out of the aforesaid ten accused persons, eight co-accused had already been granted anticipatory bail vide order dated 11.12.2025 and the remaining two accused persons have filed the instant bail petition. The cognizance of offence under Section 115(2) of BNS is bailable and Sections 305 and 74 of BNS does not attract in the present case as there is free fight between the parties and therefore, the aforesaid sections are added to make the offence serious in nature.
7. Considering the aforesaid facts and circumstances of the case, the anticipatory bail petition of the petitioners is **allowed** and they are directed to be released on bail, in the event of their arrest or surrender before the court below, within two weeks from the date of receipt of this order, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below, subject to the conditions as laid down U/s. 438(2) of the Cr.P.C. or its corresponding Section 482 of B.N.S.S. (Dictated)

Sd/-
(Dr. Arun Tiwari)
Addl. Sessions Judge-X