

IN THE COURT OF ADDL. SESSIONS JUDGE-II DISTRICT-KATIHAR

(A.B.P No. 485 of 2026)

In the matter of

1. Bhola Singh, 2. Rajendra Singh, 3. Chhotu Singh, 4. Manoj Singh, 5. Mithun Singh aforementioned all R/o- Dilarpur, P.S.- Manihari, Dist.- Katihar and 6. Ajit Singh R/o- Roshna, P.S.- Roshna, Dist.- Katihar.

-----Accused/Petitioners.

Vs

State of Bihar-----Opposite Party.

Manihari P.S. Case No.- 85/2026

U/S- 115 (2), 126 (2), 190, 191 (2), 109 (1), 326 (f), 351 (2), 352 of B.N.S.

Learned Advocate for Petitioner- Shri Md. Jawed

Learned A.P.P. for the State- Shri Md. Ajaz Alam

ORDER

22.04.2026 This anticipatory bail petition has been filed on behalf of the accused-petitioners namely 1. Bhola Singh, 2. Rajendra Singh, 3. Chhotu Singh, 4. Manoj Singh, 5. Mithun Singh and 6. Ajit Singh who are apprehending their arrest at the hands of police in connection with Manihari P.S. Case No. 85/2026 P.S. instituted U/S- 115 (2), 126 (2), 190, 191 (2), 109 (1), 326 (f), 351 (2), 352 of B.N.S.

Heard the learned counsel Shri Md. Jawed appearing on behalf of the petitioner and learned A.P.P. Shri Md. Ajaz Alam appearing on behalf of the State and perused the lower court record along with case diary.

According to FIR prosecution case in nutshell is that informant to this case namely Manoj Kumar Singh lodged a written report before SHO Manihari alleging therein that on dated 19.03.2026 his son namely Uttam Kumar Singh was coming his home by bicycle from Dilawarpur Chowk. Informant has further alleged that at about 7:30 o'clock when his son arrived near the house of Bhola Singh at that time he was standing on the road and he was slightly hit by his son's bicycle. Bhola Singh started fighting with his son Uttam Kumar over this matter. On hearing the noise, his father Khagesh Singh came to save his son Uttam Kumar, then Bhola Singh, Rajendra Singh, Chhotu Singh, Manoj Singh, Mithun Singh and Bhola Singh's son-in-law Ajit Singh altogether became furious and started abusing and armed with iron rods and sticks, made a lethal attack on his father Khagesh Singh. Bhola Singh, with the intention to cause murder of his father, hit him on

the head with an iron rod, due to which his head got cracked and blood started oozing out. After that, Chhotu Singh and Bhola Singh hit him on his right and left hands and right leg with rods, due to which his hands and leg got injured seriously. Rajendra Singh hit his father with the handle of a spade, due to which his father fell down. When he fell, Rajendra Singh tried to strangle him. All of them together poured petrol on his son's bicycle and set it on fire. After that, when there was a commotion, the villagers gathered and calmed down the fight. After that he took his father, to Sub-divisional Hospital, Manihari, for treatment, but later on, he was referred to Sadar Hospital, Katihar for better treatment.

On the other side learned counsel for the petitioners has reiterated all the grounds taken in the bail petition and has submitted that petitioners are innocent. Due to previous enmity the informant has falsely implicated the petitioners in this case. The houses of informant and petitioners are nearby to each other. The typed petition which has been given in the police station is planted and the allegations alleged against the petitioners are totally false. The informant's son knowingly caused accident to Bhola Singh and after that a quarrel took place between them and this case was lodged with conspiracy. Section 109 is only added in this case to make this case non-bailable. Informant's son sustained head injury due to falling. The petitioners have not committed any offence and it is wrong to say that by pouring the kerosene oil they set fire in the bicycle. Accused-petitioners have got no bad antecedent. Accordingly, it has been prayed to allow the instant anticipatory bail petition.

Per contra, learned A.P.P. for the State has opposed the prayer for bail.

Heard both parties at length and perused the entire case record. From perusal of the case record, it is evident that there is specific allegation against Bhola Singh, Chhotu Singh and Rajendra Singh that they made lethal attack on the father of informant, namely Khagesh Singh. Informant has further clearly stated in his written report that when his father namely Khagesh Singh went to save Uttam Kumar then Bhola Singh with intention to kill his father inflicted iron rod on his head due to which his father's head got cracked and blood started oozing out profusely further Chhotu Singh and Bhola Singh hit him on his right and left hands and right leg with rods due to which he got injured seriously. Further Rajendra Singh beaten to his father by the means of handle of spade due to which his father fell down after that Rajendra Singh tried to strangle him. Further, from

perusal of the injury report of Khagesh Singh it is evident that there are total five injuries on his body just like (i) abrasion of 4 cm X 2 cm on left forearm, (ii) abrasion 3 cm X 1 cm on left arm, (iii) abrasion 2 cm X 1.5 cm on left wrist, (iv) abrasion of 4 cm X 1 cm on anterior aspect of neck and (v) abrasion of 1 cm X 0.5 cm on occipital region of head. So, it is evident that injury report is also in the support of prosecution case further witnesses of the case diary have also fully supported the case of prosecution.

Having considered the above facts, I am not inclined to grant the privilege of anticipatory bail to the accused-petitioners namely **Bhola Singh, Rajendra Singh and Chhotu Singh**. Hence, anticipatory bail petition so far as related with accused-petitioners namely Bhola Singh, Rajendra Singh and Chhotu Singh is hereby **rejected**.

But from perusal of the case record it is evident that there is no specific allegation against Manoj Singh, Mithun Singh and Ajit Singh. Only general and vague allegation of participation in this alleged occurrence has been levelled against the aforesaid accused petitioners. But except to participation in this alleged occurrence other specific allegation has not been levelled against the Manoj Singh, Mithun Singh and Ajit Singh. Further as per bail petition aforesaid all three petitioners have got no bad antecedent.

So having considered the above facts and submissions made by the Ld. Counsel for the petitioner, the instant anticipatory bail petition is hereby allowed and accordingly it is ordered to release the petitioners namely **1. Manoj Singh, 2. Mithun Singh and 3. Ajit Singh** on bail in the case of surrender/arrest within three weeks of this order on furnishing of bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court concerned subject to the condition as mentioned in the section 482 (2) of the B.N.S.S.

**Addl. Sessions Judge-II
Katihar**

Date of order	22.04.2026
Date of Reserving order	N/A
Uploading Date	28.04.2026
Uploaded By	Harshit Raj, Steno, DASJ-II, Katihar