

IN THE COURT OF SESSIONS JUDGE, MUNGER

BAIL APPLICATION No.- 1080/2026

Subodh Malakar and other Vs. The State of Bihar

Bariyarpur P.S. Case No. 38/2026

27.05.2026

1. The present bail application has been preferred by petitioners **1. Subodh Malakar** S/o- Late Mahesh Malakar, and **2. Satyajit Kumar**, S/o- Subodh Malakar, who are lying in judicial custody since 15.03.2026 in connection with Bariyarpur P.S. Case No. 38/2026 u/s 191(2), 190, 115(2), 126(2), 109(1), 303(2), 352, 351(2) of B.N.S.S., pending in the Court of Ld. A.C.J.M.-II, Munger.

2. The informant has alleged that all the accused persons including petitioners armed with iron rod, lathi-danda and bricks entered his house and started abusing him and his family members. Thereafter the petitioners assaulted the informant's maternal grandmother with an iron rod as a result of which she suffered head injury and when the informant intervened to save her, the petitioners also assaulted him. Further the co-accused Gudiya Devi snatched away a gold chain from him. Hence the information, based on which the above stated P.S. case was registered.

3. At the outset the Ld. Counsel for the petitioners have certified that previously an anticipatory bail application filed on behalf of the petitioners was Dismissed as Withdrawn vide order dated 15.05.2026 in BA No. 794/2026 and except this no any regular or anticipatory bail has been filed on behalf of the petitioners before this Court or before any other Court including the Hon'ble High Court. He also certified that **the petitioner No. 1 has one criminal case pending against him and the petitioner No. 2 has no criminal case pending against him.** The Ld. Counsel submits that the petitioners are innocent and have not committed any offence and further that they have been falsely implicated in the present case. That both the parties are neighbours and there are dispute with regard to passage between them. That the petitioners are lying in judicial custody since 15.03.2026. Therefore the Ld. Counsel pleads that the petitioners be enlarged on bail.

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4. The Ld. P.P. has opposed the prayer of bail application of the petitioners and submits that the petitioners are the named accused of the F.I.R. and there are specific allegations of assault to one Meena Devi against the petitioners and from the injury report it is apparent that the victim had suffered griveous injuries caused by hard and blunt substance. That the investigation in the case is continuing. That the informant as well as the witnesses in their respective statements u/s 161 Cr.P.C on paras 9, 11 and 13 of the case diary have supported the prosecution case.

5. Heard the submissions of respective ld. Counsels and perused the record of the case.

6. From perusal of the case record, it appears that the petitioners are the named accused of the F.I.R. and there are specific allegations of assault to one Meena Devi against the petitioners and from the injury report it is apparent that the victim had suffered 'linear non-displaced fracture in the left fronto temporal bone with overlying soft tissue swelling' and the same is opined to be griveous in nature caused by hard and blunt substance . That the investigation in the case is continuing. That the witnesses in their respective statements on paras 9, 11 and 13 of the case diary have supported the prosecution case. That the petitioners are lying in judicial custody since 15.03.2026.

7. Therefore, considering the nature of allegations and in the totality of the facts and the circumstances, I am not inclined to accept the present bail application and hence the same is hereby **Rejected**.

Dictated

(ALOK GUPTA)
Sessions Judge, Munger
Dated:- 27.05.2026