

In the Court of Sessions Judge, Madhepura.**A.B.P. No. 110/2026****(Arising out of Bihariganj P.S. Case No. 386/2025).**

1. **Nishu Devi W/o Sanjay Mahto.**
Resident of Village-Makri, Ward No.-13, P.S.-Bihariganj, District-Madhepura.
2. **Radha Devi W/o Sanjay Mahto & W/o Babloo Mahto.**
3. **Babloo Mahto S/o Ashok Mahto.**
Petitioner No. 2 & 3 residents of Madiniya Rahika, Ward No.-05, P.S.-Murliganj, District-Madhepura.....Petitioners.

V.**The State of Bihar.....O.P.****06/**

10.03.2026 Petition for bail filed U/s 482 B.N.S.S. on behalf of above named petitioners apprehending their arrest U/Ss. 115(2), 118(1), 109(1), 75(2), 324(2), 352, 351(2), 3(5) of B.N.S. in connection with Bihariganj P.S. Case No. 386/2025, pressed today for hearing.

Heard Sri Shashi Shekhar Singh, learned lawyer for the petitioners and Sri Bibeka Kumar Singh, learned P.P. for the State.

As per written-report of informant Punita Devi, allegation is that on 26.08.2025 at 07:00 hours in the night, the accused persons, including the petitioners came and started abusing. When the informant forbade them from using abusive words, she was assaulted by the accused persons causing injury at her head. When the informant's husband Achhelal Mahto came to save her, he was also assaulted by the accused persons causing injury. There is also allegation of damaging the Jaafri of the door of informant by the accused persons.

Learned lawyer appearing on behalf of the petitioners submitted that the petitioners are innocent and they have falsely been implicated in the present case. It is also submitted that all Sections areailable except Sections 118(1), 75(2), 109(1) B.N.S., which are super addition in order to make the case more graver and no specific overt act is alleged against the petitioners. It is also submitted that the petitioners have got no criminal antecedent.

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Learned P.P. appearing on behalf of State opposed the prayer for anticipatory bail of petitioners.

Perused the record. On perusal of case diary, it appears that the informant in her re-statement in para-3 has supported the case of prosecution. Apart from this, the witnesses examined in para-6, 7 & 8 have also supported the prosecution case. From perusal of injury-report, it appears that the doctor has found simple injury on the head of injured Punita Devi (vide para-124). It is also apparent from para-34 of case diary that in course of investigation by the police, the allegation against the petitioners for the offence U/Ss. 126(2), 115(2), 118(1), 109(1), 75(2), 324(2), 352, 351(2), 3(5) of B.N.S. have been found true. Presently, the investigation is still going on in the case (vide para-125).

Considering the entire facts and circumstances of the case as discussed above, in my view, this is not a fit case for grant of anticipatory bail to petitioner. Therefore, the above named petitioner is directed to surrender before the learned court below and seek regular bail. Accordingly, anticipatory bail petition filed on behalf of above named petitioner is, hereby, **disposed of.**

The learned court below shall consider the prayer for regular bail of the petitioner without being prejudiced by this order and also considering the factum of injury as doctor has found simple injury on the person of injured.

Dictated

Balram Dubey
10.03.26
(Balram Dubey),
Sessions Judge,
Madhepura.