

In the Court of Additional Sessions Judge-V, Muzaffarpur
Anticipatory Bail Petition No. 1245/2026
(Arising out of Gaighat P. S. Case No. 56/2026)

In the matter of:

1. Rahul Kumar S/o - Late Nandkishore Rai, aged about 24 yrs,
2. Sunil Rai S/o - Late Nandkishore Rai, aged about 45 yrs,
Both are resident of Village - Asiya, P. S.- Gaighat, District - Muzaffarpur
.....Petitioners

Versus

State of Bihar : Opposite Party

Appearance(s)

Counsel for the Petitioner(s) : Sanjay Kumar "Pandey", Advocate
Sujeet Kumar, Advocate

Counsel for the State : Sadhusaran Prasad, Addl. PP.
Present: Suman Kumar Divakar
Bihar Superior Judicial Service

Order

06-05-2026

1. The Petitioners are praying for anticipatory bail in connection with Gaighat P. S. Case No. 56/2026 registered for the offences under Section 126(2), 115(2), 118(1), 303(2), 352, 351(2), 3(5) of the Bhartiya Nyay Sanhita, 2023 (hereinafter referred to as 'BNS' for short).
2. Briefly stated, the Informant has alleged that the Petitioners assaulted him and his uncle by means of knife with intention to kill. He became injured. There is further allegation of snatching of mobile phone and Rupess 10,000/-. He has further alleged that he sustained minor injury and treated at his village whereas his uncle had sustained injury on right eyebrow and was treated at SKMCH, Muzaffarpur.
3. Learned Counsel for the Petitioners submits that they have clean antecedent. The brother of the Informant has also lodged complaint case against the Informant. They are innocent. They have not committed any offence as alleged. In this backdrop, he prays for anticipatory bail.

4. Learned Additional Public Prosecutor has opposed the prayer so made on behalf of the Petitioners.
5. Heard the parties. Considered the submissions. Perused the material on record including case diary. The present matter is pending since 24.03.2026. After show cause notice, case diary has been produced today, but without injury report. The Informant has stated that he had received minor injury and his uncle Rampravesh Rai had been assaulted on his right eyebrow and were treated at SKMCH, Muzaffarpur. The injury report of Rampravesh Rai has not been produced. However, the Informant says that he had got treatment at his village itself. Paragraph '38' of the case diary indicates that the Petitioners have clean antecedent. Considering the overall facts and circumstances of the case, I am inclined to extend the Petitioners the provisional anticipatory bail till filing of the charge sheet. It is for the reason that the prosecution has not made available injury report of Rampravesh Rai so that an informed opinion can be formed.
6. It is ordered that the Petitioners namely Rahul Kumar and Sunil Rai would be admitted on provisional bail till submission of the charge sheet either in event of arrest or after being surrendered before the Court within fifteen days from the date of this order on furnishing bail bonds of Rupees 15,000/- of two sureties of the like amount each to the satisfaction of the learned Court concerned.

(Suman Kumar Divakar)
Additional Sessions Judge-V
Muzaffarpur

Date of Judgement/Order	06.05.2026
Date of reserving Judgement/Order	06.05.2026
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