

In the Court of District & Addl. Sessions Judge- 14th, Muzaffarpur

Presiding Officer : Dr. Kishor Kunal

A.B.P. No. 2080/2026

Nishant Kumar & ors Petitioners.

Vs.

State of Bihar.....O.P.

ORDER

27.05.2026 The anticipatory bail petition dated 16.05.2026, along with the power of attorney and certified copies of the relevant documents, has been filed on behalf of the accused petitioner, namely 1. *Nishant Kumar*, 2. *Umang Kumar*, 3. *Anish Tiwari* and 4. *Ram Prewesh Kumar*, who are apprehending arrest in connection with Dewariya P.S. Case No. 85 of 2026 dated 19.02.2026, registered under Sections 126(2), 307(2), 76, 117(2), 109, 303(2), 308(2), 308(3), 308(5), 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023. Learned counsel for the petitioner, Sri Manoj Kumar, and the learned Chief Prosecutor representing the State were present before the Court.

As per the prosecution case, the informant, Kanchan Jaiswal, submitted a written application before the SHO, Dewariya Police Station, alleging that on 20.03.2026 at about 10:00 AM, while she was present on her land situated behind Canara Bank and engaged in boundary construction work, the accused Vikash Kumar and Akshay Kumar arrived at the spot, abused her, and demanded ₹10,00,000/- as extortion money for completion of the boundary work. It is further alleged that they physically assaulted her, snatched her gold chain, tore her blouse, and attempted to outrage her modesty. The accused persons, along with 15–20 unidentified associates armed with lathi, danda, rod, and sword, allegedly assaulted the informant and her son, Yash Jaiswal, with an intention to kill him. It is also alleged that the present petitioner, Akshay Kumar, assaulted her son with a lathi, causing a fracture in his hand. Further allegations include that the petitioner was carrying a pistol and attempted to take illegal possession of the informant's land.

Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case. It was argued that a land dispute exists between the petitioner and the informant, as well as her Munshi, Ranjit Rai, and that due to such enmity, the informant has maliciously lodged the present case. It was further submitted that the petitioner has no role in the alleged occurrence.

The learned Addl. Public Prosecutor opposed the anticipatory bail application.

Having heard the submissions advanced on behalf of both parties and upon perusal of the record, it appears that there exists a land dispute between the petitioner and the informant, and that there are case and counter-case between the parties. It is also noted that despite sufficient opportunities, the prosecution has failed to submit the injury report before this Court.

Considering the totality of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail is allowed with the condition that the petitioner shall not indulge in any similar offence and shall furnish an undertaking to that effect.

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Let the petitioner, namely *Akshay Kumar*, be released on bail in the event of his arrest or surrender within a period of four weeks from the date of this order before the learned Trial Court, upon furnishing a bail bond of ₹10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each, to the satisfaction of the said Court, subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, as well as the following conditions:

1. The petitioner shall cooperate with the investigation and trial and shall appear before the Investigating Officer and the Court as and when required.
2. The petitioner shall not directly or indirectly induce, threaten, or promise any person acquainted with the facts of the case.
3. The petitioner shall not tamper with the evidence in any manner.
4. The petitioner shall not leave the jurisdiction of the Court without prior permission.
5. The petitioner shall not commit any offence similar to the one alleged with the informant and he shall furnish an undertaking in this regard.

(Dictated)

s/d

Addl. Sessions Judge- 14th,
Muzaffarpur