

The court of 17th Distt. & Addl. Sessions Judge, Muzaffarpur

A. B. P. No. 2557 / 2026

In the matter Of :

1. Sumant Kumar S/O Vijay Kumar

R/O Village – Janta Bichla Tola,

P.S.- Benibad, Distt.-Muzaffarpur

Petitioner.

Vs

The State of Bihar

Respondent

(In connection with Benibad P.S. Case No. 32/2026)

Counsel for the petitioner : Mr. Prabhash Kumar, Ld. Advocate

Counsel for the Respondent : Mr. Dharmendra Kr. Chaudhary Ld. A. P. P.

ORDER

Date : 01/07/2026

1. The above named petitioner seek anticipatory bail in connection with **Benibad P.S. Case No. 32/2026** for offences punishable U/S 126(2), 115(2), 118(1), 303(2), 352, 74, 351(2), 351(3), 3(5) BNS.
2. The learned counsel for the petitioner has submitted that he is innocent and he had committed no offence as alleged in the FIR and has falsely been implicated in this case. The petitioner had earlier filed no bail application before this court or before the Hon'ble High Court.
3. The prosecution case in brief is that on 04.03.2026 at about 7:00 pm all the accused persons including co-accused Sumant Kumar alongwith four to five unknown persons case at the door of the informant and used to abuse, while informant was milking the buffalo and petitioner Sanjay Kumar told to assault and used word Sala then accused Vijay Kumar gave Farsa blow with the result informant sustained head injury and Sunny Kumar and Kamini Devi came to gave the informant then co-accused Sumant Kumar gave iron rod blow on the head of Sunny Kumar with the result Sunny Kumar sustained also head injury and accused Navneet Kumar gave Lathi blow on the head of Kamini Devi and all accused persons also assaulted them with Lathi and Danda and the accused Bhupneshwar snatched golden chain from the neck of Kamini Devi and when villagers and police of arrive, all accused persons fled away and informant and others

went at PHC Gaighat for treatment and for better treatment referred to SKMCH, Muzaffarpur. Both the parties are save villagers and they are next door neighbour and some dispute is going in between both the parties. Hence, prayer was made to grant pre-arrest bail.

4. Per contra, the Ld. A.P.P. has opposed the anticipatory bail plea.
5. Rival contentions of the parties were heard and, perused the record. From perusal of the record it appears that the other co-accused persons have already been granted anticipatory bail by this court vide ABP No. 1749/2026 except Vijay Kumar. Co-accused Vijay Kumar has also been granted anticipatory bail by the Hon'ble High Court, Patna vide Criminal Misc. Case No. 39208/2026. The case of accused petitioner stands on better footing than the co-accused Vijay. Injury allegedly caused by him is also simple in nature. Moreover, there is allegation of assault by rod upon this accused, whereas corresponding allegation against the co-accused Vijay was of giving Farsa blow. The petitioner has also no criminal antecedent.
6. Considering the aforesaid facts and circumstances, I am of the considered opinion that the petitioner does deserve the privilege of pre-arrest / Anticipatory Bail and as such, he is directed to be released on furnishing a personal bond of Rs. 5,000/- with one surety of like amount, in case of arrest or surrender within six weeks. Petition disposed off accordingly. Let the copy of this order be communicated to the concerned Court of Court No. 18 Ld. J.M-1st Class, Muzaffarpur (E) for information and needful.

Sd/-

Anil K. Thakur

17th Distt. & Addl. Sessions Judge,