

In the Court of Additional Sessions Judge-V, Muzaffarpur
Anticipatory Bail Petition No. 2606/2026
(Arising out of Town P. S. Case No. 312/2026)

In the matter of:

1. Mukund Kumar Singh S/o - Late Harihar Singh, aged about 60 yrs,
 2. Vijay Kumar Singh S/o - Late Chaturbhuj Singh, aged about 62 yrs,
 3. Nibha Singh W/o - Mukund Kumar Singh, aged about 50 yrs,
 4. Rupam Kumari D/o - Mukund Kumar Singh, aged about 37 yrs,
- All are Resident of Village - Kuahi, Baruraj, P. S. - Baruraj, District - Muzaffarpur

.....Petitioners

Versus

State of Bihar

:

..... Opposite Party

Appearance(s)

Counsel for the Petitioner(s)

: Lokesh Kumar Gunjan, Advocate

: Sangita Kumari, Advocate

: Avinash Kaushik, Advocate

Counsel for the State

: Sadhusaran Prasad, Addl. PP.

Counsel for the Informant

: Amrendra Kumar, Advocate

: Uday Kumar, Advocate

Present: Suman Kumar Divakar

Bihar Superior Judicial Service

Order

14-07-2026

1. The Petitioners are praying for anticipatory bail in connection with Town P. S. Case No. 312/2026 registered for the offences under Section 126(2), 115(2), 118(1), 109, 352, 351(2), 351(3), 61(2), 3(5) of Bhartiya Nyay Sanhita, 2023 (hereinafter referred to as 'BNS' for short).
2. Briefly stated, the allegation against the petitioners in the FIR is not of participation in commission of the offence rather of implied allegation of conspiracy in the background of the fact that there is serious matrimonial discord between the Informant with family of the present petitioners. The Petitioner No. 4 is wife of the Informant Gaurav Kumar and living separately for the last 3-4 years as stated in the FIR. Furthermore, in the first part of the allegation, the informant has stated that on 23.05.2026, he was going to his house from Tilak maidan after closing his shop and as soon as he reached near Motijheel over bridge, three motorcycle borne persons

intercepted him and took out keys of his motorcycle. Thereafter, it is alleged that all three persons assaulted him by means of knife. One knife was stabbed from the back and when the informant turned back on such assault, he found that the persons who gave knife blow from the back was Aman Kumar Suman. He further alleges that his wife Rupam Kumari was hiding beneath down the bridge. Thereafter, all the accused persons having formed opinion that he has become death run away from the spot.

3. Learned Counsel for the petitioners submits that there is no allegation of participation against the petitioners. The petitioners were not present at the place of occurrence as it is clear from the FIR itself. The reason behind naming the petitioners in the present case is matrimonial dispute. The petitioner no. 4 wife of the informant is a teacher. They have no criminal antecedent. They are respectable family in the society. In this backdrop, he prays for anticipatory bail.
4. Learned Additional Public Prosecutor has opposed the prayer so made on behalf of the petitioners. Learned Counsel for the informant submits that there was conspiracy made on behalf of the accused persons and in pursuance thereof, the present crime has been committed by third actor. He further submits that due to matrimonial dispute, the petitioner in all probability might have been party to the conspiracy.
5. Heard the parties. Considered the submissions. Perused the material on record including case diary and injury report. No doubt, in the present case, the Informant has sustained incised injury and being grievous in nature. The allegation of causing such injury is against the persons who are not the family members of the petitioners. This court by considering the entire attending circumstances is inclined to grant anticipatory bail to the petitioners for the following reasons:
 - (i) There is no allegation against the petitioners either to be present at the place of occurrence or any sort of participation in the incident.

(ii) The implication of the present petitioners is based on conspiracy theory which may have been hatched in the background of serious matrimonial dispute between the parties for years.

(iii) It is important to take note of the fact that one of the alleged assailant namely Sankalp Mishra has been arrested by the police. He has made confessional statement and has given different angle behind the occurrence. He has stated that the informant had developed physical relationship with sister-in-law of the assailant and was troubling her and therefore, this assault was planned by Sankalp Mishra and others. Though, the validity of the such statement is subject to final outcome of the investigation and further judicial scrutiny. But, of course, this angle has given reason for this court to think again as to what extent, the theory of conspiracy as alleged by the informant against the present petitioners is sustainable and which is again subject to investigation and the same is still in progress.

(iv) The petitioners have clean antecedent. The petitioner no. 4 is the wife of the informant. Petitioner No. 1 is father-in-law. Petitioner No. 3 is mother-in-law of the informant. Multiple matrimonial litigation is pending between him and his wife's family. Petitioner No. 3 and 4 are women.

6. Thus, precisely considering the nature of allegation attributed against the petitioners coupled with the background of matrimonial dispute and the different angle behind the scuffle being projected by the arrested accused Sankalp Mishra in his confessional statement, I am inclined to extend the petitioners the privilege of pre arrest bail. In the result, the present petition stands allowed.
7. It is ordered that the petitioners above named would be enlarged on bail on furnishing bail bonds of Rupees 10,000/- of two sureties of the like amount each to the satisfaction of the learned court concerned. And further, condition as stipulated under Section 482(2) BNSS. There is one more condition that the petitioners would make themselves available to the investigation officer as and when required to assist in the investigation.

8. It is clarified that this court has dismissed the prayer for anticipatory bail of the accused Aman Kumar Suman vide another anticipatory bail petition for the reason that there is direct allegation against him to have initiated assault and the case of the present petitioners are entirely different from him which appears from the FIR itself.

(Suman Kumar Divakar)
Additional Sessions Judge-V
Muzaffarpur

Date of Judgement/Order	14.07.2026
Date of reserving Judgement/Order	14.07.2026
Uploading Date	15.07.2026
Uploaded by	Bambam Kumar Jha, Stenographer