

**IN THE COURT OF THE ADDITIONAL SESSIONS JUDGE -I NALANDA AT
BIHARSHARIF**

A.B.P. No. 17 of 2026

Arising out of - Silao P.S. Case No. 157/25

Under Sections - 191(2), 190, 191(3), 126(2), 115(2), 74, 109(1), 333, 324(2), and 352 of the Bharatiya Nyaya Sanhita (BNS)

Sunny Kumar, aged about 25 years, S/o Sunil Mistri, Resident of Village Tetariya, P.S. Silao, District Nalanda.

...Petitioner

Versus

The State of Bihar

...Opposite Party

<i>Date of order of proceeding</i>	<i>Order with the signature of the court</i>	<i>Office action taken with date</i>
15.04.2026	<p>The present bail application has been filed This is an application filed u/s 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking anticipatory bail in connection with Silao P.S. Case No. 157/2025. The case was initially registered u/s 191(2), 190, 191(3), 126(2), 115(2), 74, 109(1), 333, 324(2), and 352 of the Bharatiya Nyaya Sanhita (BNS). Following the death of the injured, Anil Mistry, during treatment, Section 103(1) of the BNS was subsequently added.</p> <p>Shri Nitish Kumar, learned counsel for the petitioner, submitted that the petitioner has been falsely implicated in this case due to a long-standing dispute and a counter-case (Silao P.S. Case No. 158/25) lodged by the petitioner's side. It is specifically submitted, as per Para 2 of the petition, that no bail application, either anticipatory or regular, has ever been moved by the petitioner before this court or any superior court prior to this application. Furthermore, the counsel argues that the petitioner has no prior criminal antecedents. There was no intention to cause death; the incident allegedly sparked from a dispute over water drainage. Co-accused Bikky Kumar and others have been granted bail/anticipatory bail by the Hon'ble High Court and this Court respectively, and the petitioner claims parity. The petitioner is a student with a clean record and is willing to</p>	

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abide by all court conditions.

The learned Additional Public Prosecutor (APP) vehemently opposes the prayer for anticipatory bail. It is submitted that the allegations are grave. As per the fardbeyan of Rani Kumari, the petitioner (Sunny Kumar) specifically assaulted the deceased, Anil Mistry, on the head with a *khanti*. The APP points to the Case Diary, noting that Para 103 (Injury Report) and Para 98 (Post-Mortem Report) confirm a "grievous head injury" which ultimately led to the death of the victim.

Heard both sides and perused the record. The prosecution case is founded upon the fardbeyan of the informant, Rani Kumari, recorded on 27.05.2025 at P.M.C.H. Patna. According to this, the incident occurred at approximately 08:00 AM on the same day due to a dispute regarding water falling from the house. It is alleged that the petitioner, Sunny Kumar, along with co-accused persons armed with Lathi, Danda, and iron rods, forcibly entered the informant's house and began abusing them. Sunny Kumar, assaulted the informant's father, Anil Mistry, on the head with a *khanti*, causing a severe head injury. When the informant and her mother attempted to rescue him, they were also allegedly assaulted by other accused persons. The villagers rushed them to the village PHC from where they were referred to Sadar Hospital, Nalanda and then to PMCH, Patna. It is pertinent to mention here that subsequently Anil Mistry succumbed to his injuries in the course of treatment at PMCH, Patna.

While the petitioner claims false implication and parity with co-accused who have earlier been granted bail, the nature of the allegation against him is distinct. The prosecution story and the medical evidence specifically attribute the fatal blow to the head of the 60-year-old deceased to the petitioner, Sunny Kumar. The addition of Section 103(1) BNS (Punishment for Murder) highlights the severity of the offense.

Considering the direct nature of the allegations, the gravity of the injuries resulting in death,

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