

COURT OF ADDITIONAL SESSIONS JUDGE IInd, NALANDA AT BIHAR SHARIF

A.B.P. No. 322 / 2026

(Arising out of Kalyanbigha P.S. Case No. 59/2024)

Arjun Malakar V/s. State of Bihar

Sl. No.	Date of order or Proceeding	Order with the signature of the Court	Office action taken with date
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	06.03.2026	<p>The petition for Anticipatory bail has been filed on behalf of petitioner, Arjun Malakar, who apprehends his arrest in connection with Kalyanbigha P.S. Case No. 59/2024 registered for the offences punishable u/s.126(2), 115(2), 118(1), 109, 352, 3(5) of the B.N.S..</p> <p>Prosecution story, in brief, is that the informant Tuntun Kumar Malakar, son of Indradev Malakar, village+Post- Barah, Police station Kalyanbigha, District Nalanda said that on 17.09.2024, a settlement was reached regarding the dispute between the children. Then, on 18.09.2024 at 08:00 PM in the night Arjun Malakar and his sons Brajesh Malakar, Anjesh Kumar and Sweety Kumari, Sundari Kumari came to informant's street and started abusing. When the informant asked why they were abusing Brajesh Kumar pushed him causing the informant to fall into the drain. After that Arjun Malakar hit him on the head with an iron rod due to which his head cracked and Brajesh assaulted him with stick. After that all the family members of Arjun Malakar started pelting bricks and stones at the informant's house. Due to which Sudha Devi, Lalita Kumari, Sakshi Kumari got injured. They went to Hospital for treatment. On these facts, Kalyanbigha P.S. Case No. 59/2024, dated 19.09.2024 was registered against petitioner and other accused persons U/s.126(2), 115(2), 118(1), 109, 352, 3(5) of the B.N.S..</p> <p>Heard the learned counsel Shri Dilip Kumar for the petitioner as well as learned A.P.P. Shri Sunil Kumar Sinha on behalf of the State.</p> <p>Learned counsel for the petitioner has submitted that earlier no application for bail either regular or anticipatory on behalf of the petitioner has been filed either before this Court or before the Hon'ble High Court, Patna. He further submits that the petitioner is innocent and had committed no offence and he has falsely been dragged and implicated in the present case.</p> <p>The allegations contained in the FIR against the petitioner is totally false, concocted and manipulated. All the allegations are general and omnibus. The F.I.R. was lodged u/s. 115(2), 126(2), 118(1), 109, 352/3(5) of the B.N.S. but after completing the investigation Police submitted chargesheet u/s. 115(2), 126(2), 352/3(5) of the B.N.S. After that the learned Magistrate, 1st Class, BiharSharif, Nalanda was pleased to take cognizance u/s. 109(1), 115(2), 126(2), 352/3(5) of the B.N.S.. In course of investigation the Police found the case true u/s. 115(2), 126(2), 352/3(5) of the B.N.S.. The Police issued notice U/s 35(3) of the B.N.S.S. and was released but the learned Magistrate took cognizance u/s. 109(1), 115(2), 126(2), 352/3(5) of the B.N.S. The petitioner is an old man aged about 70 years and his health and eye sight is very poor. There was a dispute between the children of both the parties and both parties have lodged the case on each other. The alleged offences U/s. 115(2), 126(2), 352 of the B.N.S. is bailable and Section 109(1) of the B.N.S. which is not applicable against the petitioner.</p> <p>So, the present case has been lodged by the informant on the basis of surmises and conjectures. The petitioner has got no criminal</p>	

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	Contd. 06.03.2026	<p>antecedent. On these facts, he prayed that the petitioner be granted anticipatory bail.</p> <p>Learned A.P.P. opposed the prayer of anticipatory bail of the petitioner.</p> <p>Heard both the parties. Perused the case record and other relevant papers, it appears that I.O. after investigation has found the case to be true under Sections 115(2), 126(6), 352, 3(5) of the B.N.S. and has filed chargesheet against this petitioner and Brajesh Kumar, dropping other accused persons under Sections 115(2), 126(6), 352, 3(5) of the B.N.S.. The learned Lower Court took cognizance under Sections 115(2), 126(6), 109, 352, 3(5) of the B.N.S. It is relevant to say that during investigation petitioner was given notice under Section 35(3) of the B.N.S.S. and he appeared and cooperated the investigation. Above all, at paragraph no. 26 of the case diary, there is injury report of informant Tuntun Kumar, in which the doctor has found the nature of injury to be simple caused by hard and blunt substance. This dispute arose due to quarrel between children of both the parties. The petitioner is 70 years old as claimed by the petitioner. There is cases from both sides.</p> <p>Keeping in view the above facts and circumstances the prayer for anticipatory bail petition is hereby allowed and it is ordered that in the event of arrest/surrender the petitioner Arjun Malakar will be enlarged on anticipatory bail on furnishing his bail bonds of Rs. 10,000/- with two sureties of like amount each to the satisfaction of the learned Court below within four weeks of this order subject to the conditions as laid down under Section 482 B.N.S.S.</p> <p align="right">Dictated & corrected Sd/- (Akshauri Abhishek Sahay) Addl. Sessions Judge 2nd Nalanda at Bihar Sharif</p> <table border="1"> <tr> <td>Date of Judgment/Order</td> <td>06.03.26</td> </tr> <tr> <td>Date of Reserving Judgment/Order</td> <td>-</td> </tr> <tr> <td>Date of Uploading</td> <td>07.03.26</td> </tr> <tr> <td>Uploaded by</td> <td>kundan</td> </tr> </table>	Date of Judgment/Order	06.03.26	Date of Reserving Judgment/Order	-	Date of Uploading	07.03.26	Uploaded by	kundan	
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