

IN THE COURT OF SESSIONS JUDGE, PATNA

Anticipatory Bail Petition No.746 of 2026.

Sharwan Kumar Gupta

..... **Petitioner.**

Versus

The State of Bihar

**Order
No.**

Date

O R D E R

03 06-03-2026

- 1.** The **petitioner, Sharwan Kumar Gupta**, seeks anticipatory bail in connection with **Gardanibagh P.S. Case No.569 of 2025**, registered under Sections 74, 115(2), 303(2), 351(2), read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).
- 2.** Heard Sri Rajkumar Prasad, learned counsel for the petitioner and Sri Rajesh Kumar, learned Public Prosecutor for the State.
- 3.** As per the prosecution case, the informant, Kalawati Kumari, alleges that on 13.07.2025 at around 12:00 PM, her neighbors, Sharwan Kumar Gupta (petitioner) and Jitendra Prasad Gupta (co-accused), along with six others, assaulted her and her husband, Uday Shankar Prasad, with iron rods and sticks, causing serious injuries to their heads and bodies. It is further alleged that the petitioner snatched a gold chain weighing one bhar from the informant's neck and forcibly took ₹1,000/- from her husband's pocket. The dispute arose when water was being poured through a pipe onto the informant's land and house, and her husband objected. Following this, the accused persons allegedly entered their house, dragged the informant by her hair, threw her down, and partially disrobed her. She was rescued by her children and neighbours.
- 4.** Learned counsel for the petitioner submits that the only non-bailable offences involved are under Sections 74 and 303(2) of the BNS, which carry a maximum punishment of five years' imprisonment. He further contends that the FIR was lodged belatedly on 10.10.2025, nearly three months after the alleged incident of 13.07.2025. The petitioner had earlier submitted an application to the police on 12.08.2025, but no case was registered at that time. Subsequently, upon approaching higher authorities, Gardanibagh P.S. Case No.497 of 2025 was instituted on 06.09.2025. Investigation in the police case out of which the present anticipatory bail arises completed and charge sheet has been submitted against the petitioner under Sections 74, 115(2), 351(2)(3) of BNS.

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**Contd....
(06-03-2026)**

Moreover, in course of investigation the custodial interrogation of the petitioner was not required and accordingly notice was served upon him under section 35(3) of BNSS, to which he complied. Furthermore, learned counsel also emphasizes that the petitioner has a clean criminal record.

5. Learned Public Prosecutor opposes the prayer for grant of anticipatory bail to the petitioner. However, he fairly concedes that in course of investigation notice under section 35(3) of BNSS was served upon the petitioner, to which he complied. He also affirms that the petitioner has clean criminal antecedent as recorded by the Investigating Officer in para 14 of the case diary. Furthermore, there is nothing on record to suggest that the informant and her husband received injury. Also, the investigation is over and charge sheet has been submitted against the petitioner.
6. Having regard to the facts and circumstances of the case; the nature of the offences and the severity of punishment prescribed in the event of conviction; that in course of investigation notice under section 35(3) of BNSS was served upon the petitioner, to which he complied; existence of case and counter case between the parties; the submissions advanced on behalf of the petitioner more particularly the defence; that investigation is over and charge sheet has been submitted and; the petitioner's clean antecedent, the prayer for anticipatory bail of the above named petitioner is **allowed**. It is ordered that in the event of arrest or surrender before the learned court below within four weeks from the date of receipt of this order, the above-named petitioner shall be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court below, subject to the conditions as laid down u/s 482(2) of B.N.S.S.

(Dictated)

Sd/-

**(Rupesh Deo)
Sessions Judge, Patna**

Date of Judgment/Order	06-03-2026
Date of Reserving Judgment/Order	NA
Uploading Date	06-03-2026
Uploaded by	Amjad/-