

**In the Court of Sh. Naweem Kumar Ld. Dist & Addl.**  
**Sessions Judge-XVI, PATNA**  
**A.B.P. No. 1095 of 2026**

(Phulwari Sharif PS Case No- 1313 of 2025)

(1) Malti Devi, W/o- late Shyam Babu Rai, R/o- village Chhedhi Tola, Bhusaula, Danapur, PS- Phulwari Sharif, District- Patna  
(2) Rajesh Prasad Rai @ Biltu Gope, S/o late Lalak Rai, R/o- Jamaluddin Chak, Khagaul, PS- Khagaul, District- Patna  
(3) Bajrangi Kumar, S/o Rajesh Prasad Rai @ Biltu Gope, R/o village- Jamaluddin Chak, Khagaul, PS- Khagaul, District- Patna

.....Petitioners.

Versus.

The State of Bihar.

..... Opp.Party.

**ORDER**

**23-04-2026** This anticipatory bail petition has been filed u/s 482 of BNSS on behalf of above named petitioners who are apprehending their arrest in connection with Phulwari Sharif PS Case No- 1313 of 2025 registered under Sections 126(2), 115(2), 303(2), 308(3) and 352 of BNS.

Submission heard on behalf of learned counsel for petitioners.

Ld. counsel for the petitioners submit that earlier no bail petition has been filed on behalf of the petitioners either for grant of anticipatory bail or regular bail before this learned court and before the Hon'ble High Court, Patna. Ld. Counsel for the petitioner further submits that the petitioner no. 1 and 3 have no criminal antecedent and petitioner no. 2 has one criminal antecedent. Ld. Counsel for the petitioners further submit that the petitioners are quite innocent and has committed no offence. The petitioners have falsely been implicated in this case due to land dispute. The entire allegations leveled against the petitioners are civil in nature. Hence Ld. Counsel for the petitioners prayed that the petitioners may be enlarged on pre-arrest bail.

Learned Addl.P.P. strongly opposed the payer for bail of the petitioners.

It is the case of prosecution that the informant has purchased 29 dhur land through registered sale deed. One Malti Devi has also purchased 4 dhur property. On 09.08.2025

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in Janta Darbar it was directed to both the parties to not to do the construction work. On 11.08.2025 when the informant reached on the land at around 11:00 a.m., he found that Malti Devi and her family members are doing construction over there. When the informant protested then the accused assaulted him and snatched Rs.12,000/- from his pocket. The accused persons also threatened to kill him. Accordingly, FIR was registered.

I heard rival contentions of both the parties and perused the record. On perusal it transpires from the record that there is property dispute between the parties. Ld. counsel for petitioners submit that the property in question is the ancestral property of petitioners and they are in peaceful possession for several years. Neither the petitioners nor their ancestors had even transferred the property to any other person. Moreover, civil litigation is also going on between the parties.

Moreover, the offence to which the present petitioner has alleged to have been committed is punishable less than seven years and all the offences except s. 303(2) of BNS is bailable in nature.

So far as concerned about the petitioner no. 2, Rajesh Prasad Rai, he had five criminal antecedents, however, the criminal antecedents may be a ground for rejection of bail but cannot be the sole ground for rejection of bail of any person. The court have to see the nature and gravity of the alleged offence to which the petitioner is seeking bail.

It has been held by the Hon. Supreme Court in case of **Sanjay Chandra vs C.B.I AIR. 2012 SC 830** that deprivation of liberty must be considered as a punishment unless it is required to ensure the attendance of accused during trial. The object of bail is to secure appearance of the accused during trial. Detention in custody results in causing grave hardship and hampers the ability of the accused to prepare for his defence. It has been held by superior Courts in catena of judgments that bail is rule and jail is an exception. Nothing here in above discussed is tantamount to affect merit of the prosecution case.

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Accordingly, the prayer for anticipatory bail of the above named petitioners-accused namely; **(1) Malti Devi, (2) Rajesh Prasad Rai @ Biltu Gope** and **(3) Bajrangi Kumar**, is **allowed**. In the event of their arrest or surrender before the Id. trial court within four weeks from the date of receipt of a copy of this order, the petitioners shall be released on bail on furnishing a bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Id. trial court subject to the following conditions that :-

1. The petitioners are directed to join the investigation as and when he is required by the IO.
2. Petitioners are directed to remain present during trial.
3. Both bailors must be near relative of the accused-petitioners.
4. The petitioners shall not repeat such type of offence in future otherwise the state shall be at liberty to file cancellation of bail of the petitioners.

**(Dictated)**  
**Sd/-**  
**(Naveen Kumar)**  
**Dist & Addl. Sessions Judge- XVI**  
**Patna**