

IN THE COURT OF SESSIONS JUDGE, PATNA

Anticipatory Bail Petition No.1903 of 2026.

1. Guddu Prasad @ Guddu Kumar
2. Ganga Devi @ Gangajal Kumari
3. Ram Babu Ram @ Rambabu Paswan
4. Sukhiya Devi Petitioners.

Versus
The State of Bihar

Order
No.

O R D E R

03 26-05-2026

1. The **four petitioners**, who are family members, seek anticipatory bail in connection with **Hawai Adda P.S. Case No. 103 of 2026**, registered for offences under Sections 115(2), 303(2), 329(3), 351(2), 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).
2. Heard Sri Lalan Prasad Sinha, learned counsel for the petitioner and Sri Rajesh Kumar, learned Public Prosecutor for the State.
3. The case of prosecution in brief, is that on 10-04-2026, when the informant, Jyoti Devi, was alone at her residence, the petitioners allegedly entered her house, abused her, and assaulted her, causing a severe head injury that rendered her unconscious. It is further alleged that the accused persons stole Rs. 8,000 and forcibly took away her gold *jitiya*. Upon regaining consciousness, the informant informed her husband, who then took her to the hospital for treatment.
4. Learned counsel for the petitioners submits that the only non-bailable offence invoked is under Section 303(2) of the BNS, which prescribes a maximum punishment of five years imprisonment and is triable by a Magistrate. It is further contended that the informant, Jyoti Devi, is a neighbour of the petitioners and that she was engaged in a scuffle with her mother-in-law at the relevant time. The petitioners, being neighbours, merely attempted to intervene as a gesture of goodwill, and have consequently been falsely implicated in this case.
5. Learned Public Prosecutor opposes the prayer for grant of anticipatory bail to the petitioners.
6. Upon perusal of the case diary, it transpires that during course of investigation, the arrest of the petitioners was not required under

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section 35(1) of BNSS and accordingly issued notice upon them under section 35(3) of BNSS, to which they complied. Furthermore, the injury report issued by LNJP Hospital shows that the informant Jyoti Devi suffered injury, however, the opinion was reserved awaiting CT Scan report which was advised to the patient and was referred to PMCH. The informant Jyoti Devi, in her statement, recorded by Investigating Officer as figures in the case diary has stated that she did not visit PMCH, rather got herself examined in a private hospital. However, there is nothing in the case diary to suggest that she was examined in a private hospital and if she was examined, what was the report.

7. Having regard to the facts and circumstances of the case; nature of offence i.e. severity of punishment in the event of conviction; that during course of investigation the arrest of the petitioners was not required under section 35(1) of BNSS and accordingly issued notice upon them under section 35(3) of BNSS, to which they complied; the submissions advanced on behalf of the petitioners more particularly the defence; and clean criminal antecedent of the petitioners, the prayer for grant of anticipatory bail of the above-named petitioners 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 petitioners shall be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of 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 Order	26-05-2026
Date of Reserving Order	NA
Uploading Date	26-05-2026
Uploaded by	Amjad/-