

In the Court of Additional Sessions Judge-I, Masaurhi
Anticipatory Bail Petition No. 322/2026
[Masaurhi P.S. Case No. 545/2026]

1. Abhishek Kumar @ Funti Sharma, aged about 36 years, S/o- Sri Shiv Kumar Sharma,
R/o-Village- Saguni, P.S.-Masaurhi, Distt.- Patna

..... **Petitioner**

Versus

1. State of Bihar through Addl. Public Prosecutor

..... **Opposite Party**

Anticipatory Bail Petition Under Section 482 of BNSS

For the petitioner/s : Mr. Kumar Gaurav, Ld. Advocate

For the O.P. State : Mr. Dhananjay Kumar, Addl. P.P.

ORDER

Dated: 06.08.2026

This anticipatory bail petition has been filed on behalf of the petitioners namely **Abhishek Kumar @ Funti Sharma**, who is apprehending his arrest in connection with **Masaurhi P.S. Case No. 545/2026** for the offence **U/s U/s 126(2), 115(2), 119(1), 303(2), 78, 352, 351(2), 3(5) of BNS**, which is pending in the court of the S.D.J.M., Masaurhi is being pressed today and heard.

The case of the prosecution as per the written information of Kari Devi is that on 28.06.26, at around 10:00 a.m, while she was irrigating her field, Shiv Kumar Sharma suddenly attempted to take away the irrigation pipe and motor starter and when she objected, he verbally abused her, threatened her, approached her with bad intentions, pulled her sari, leaving her semi-nude, snatched her gold earring, and threatened that he would do anything if she spoke further or if more people gathered. She further stated that out of shame, she walked away, after which Shiv Kumar Sharma's son, Funti Sharma, took the irrigation pipe and starter to his house, and both of them threatened her that if she came back to the field for irrigation, they would cut her into pieces. She added that her husband worked in Patna while she managed all the farming, and Shiv Kumar Sharma kicked her in the stomach, causing her severe pain.

Learned counsel appearing on behalf of the petitioner has submitted that the petitioner is quite innocent and committed not any offence as alleged is the written

F.I.R. by the informant in fact. The petitioner has serious apprehension of his arrest by the hands of police or in case of his surrender before the learned court below in connection with Masaurhi P.S. Case No.-545/2026 pending is the court of S.D.J.M. Masaurhi. Earlier no bail application has been filed by the petitioner either anticipatory or before any court prior to this present bail petition. The petitioner is an accused of Masaurhi P.S. Case no.-556/2019 which is pending for re-investigation. Masaurhi P.S. case No.-711/2025 in which the police has already submitted final form as accusation is false. The petitioner is quite innocent and has committed no offence at all as alleged in the written F.I.R. by the informant Kari Devi. Kari Devi is illiterate lady and S.H.O. Masaurhi (S.I. Vivek Bharti) has been arranged and managed to this informant and prepared this written F.I.R. with a view to harass to this petitioner as well as his father namely Shiv Kumar Sharma on the basis of previous enmity. Actually the husband informant namely Lali Yadav is an accused of twelve criminal cases in which the Anticipatory bail petition no.-617/2025 in connection with Masaurhi P.S. case No.-515/2025 has already been rejected on 06/03/2026 by the learned District and Addl. Session Judge, Masaurhi, (Patna). It is, further submitted that inspite of rejection of A.B.P. (Annexure-II) the S.H.O. Masaurhi P.S. namely S.I. Vivek Bharti has not been taken any action to arrest the accused persons. The husband of the informant and other accused persons have been absconding from all the criminal cases mentioned in Annexure-II and seize other cases, but S.I. Vivek Bharti has failed to arrest to those accused persons inspite of several request done by the father of this petitioner in capacity of informant. S.H.O. Vivek Bharti and concern I.O. of those criminal cases, taking hostile attitude. A Title Partition Suit No-07/2023 between Shiv Kumar Sharma and Amar Nath Sharma, Avinash Chandra is sub-judice in the Court of Sub-Judge-I, Masaurhi in which an order has been passed on 28/04/2026 for status quo maintain, but both the defendants along with husband of informant (Kari Devi) namely Lali Yadav and other accused persons committed criminal trespass on the plots which are subject matter of the Title Partition Suit No.-07/2023. Thereafter the father of the petitioner Shiv Kumar Sharma reached at Masaurhi P.S. along with a typed application for lodging F.I.R., then the S.H.O. Vivek Bharti taken the application and kept it in his pocket at 10:00

A.M. on 28/06/2026. It is, further submitted that the petitioner lodged altogether six cases against the husband of informant namely Lali Yadav and others but the S.H.O. Vivek Bharti and other Police officer of Masaurhi have not taken any action against the accused persons thereafter a complain letter has been sent to Senior Police Officers and concerned other Officers. From the perusal of F.I.R., it is apparent that as per the allegation alleged occurrence was taken place in the field but the informant has not disclosed about the Khata, Plot and ownership of land. Even no place of occurrence has been disclosed in this F.I.R. not shown name of any witness. From the perusal of the F.I.R., it is also apparent that there is no ingredient of Section 119(1) and the S.H.O. has mentioned the said section in the F.I.R. without ingredients and as such the said section does not attract. That the allegation of theft is quite ornamental and the same is mentioned by the police in the F.I.R. With a view to harass to the petitioner and his father due to above mentioned previous enmity with the S.H.O. Vivek Bharti. The other sections of B.N.S. 115(2)/126(2)/78/351(2)/352/3(5) of B.N.S. are bailable in nature and also denied by the petitioner, due to F.I.R. is on the basis of false and concocted. From the perusal of written F.I.R. it appears that there is no any place of occurrence has been mentioned because this F.I.R. is based on hurriedly, false and imaginary event for the purpose to harass to both respected persons due to above mentioned enmity with the S.H.O. The petitioner is man of means and there is no any chance of his absconding during the period of trial and he is ready to face trial properly. The petitioner is ready to abide all the condition as directed. The petitioner is ready to furnish his bail bond. Prayer is made to enlarge the petitioner on bail.

On the other hand the learned Addl. P.P. for the State vehemently opposed the prayer for anticipatory bail of the petitioner.

Heard the argument of both sides and perused the case record as well as the case diary. The witnesses is paras 2, 6 and 7 of the case diary have supported the prosecution version. The injury report of Kari Devi shows no any visible injuries, pain whole body and pain abdomen but the opinion was reserved. However, the accusation against the present petitioner, Abhishek Kumar @ Funti Sharma, is that after the alleged occurrence between the informant and the co-accused Shiv Kumar

Sharma, he took away the irrigation pipe and motor starter to his house and joined the co-accused in extending threats to the informant that if she came again for irrigation, she would be cut into pieces. The principal allegations of outraging the modesty of the informant by pulling her sari, assaulting her, snatching her gold earring and approaching her with bad intention have been levelled specifically against the co-accused Shiv Kumar Sharma and not against the present petitioner. It further appears that the dispute has arisen in the background of irrigation of agricultural land. At this stage, there is nothing on record to indicate that custodial interrogation of the petitioner is indispensable for the purpose of investigation. Having regard to the nature of accusation, the specific role attributed to the present petitioner, the overall facts and circumstances of the case, this court is of the considered view that the petitioner has made out a fit case for grant of the privilege of anticipatory bail.

Accordingly, it is hereby ordered that in the event of surrender or arrest before the court below / concerned police within 30 days from the date of this order, the 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 the learned court below/police subject to the condition under the provision of section 482(2) BNSS.

Let a copy of this order be sent to the court concerned.

(Dictated)

Sd/-

(Sankash Chandra)
(Addl. Sessions Judge-I),
Masaurhi