

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA

Dated, Saharsa, the 10th April, 2026

Present:- Dinesh Sharma, Principal District & Session Judge, Saharsa

A.B.P. No. 351/2026 (Arising out of Saharsa Sadar P.S. Case No. 70/2026)

Mahendra Sharma & Another

... Petitioners Vs State of Bihar

In the matter of :-

1. Mahendra Sharma S/o Late Bhagwat Sharma

2. Chandan Sharma S/o Lalo Sharma

Both resident of Village Dhamsaini, P.S. and District Saharsa.

.....Petitioners

Vs

State of Bihar

.....Opposite Party

Appearance :-

For the Petitioners :- Sri Sunil Kumar Singh, Advocate

For the State :- Sri Krishna Murari Prasad, Ld. P.P.

Sl No.	Date of proceeding	Order with the signature of the court	Office action taken with date
	10.04.2026	This anticipatory bail petition has been filed on behalf of the petitioners namely (1) Mahendra Sharma S/o Late Bhagwat Sharma and (2) Chandan Sharma S/o Lalo Sharma are apprehending their arrest in connection with Saharsa Sadar P.S. Case No. 70/2026 registered under Sections 126(2), 115(2), 308(5), 3(5) of BNS, 2023. 2. Heard the arguments of the learned counsel for the petitioners and the learned P.P. for the State. 3. It is submitted by the learned counsel for the accused petitioners that petitioners are innocent and have falsely been implicated in this case due to dirty village party politics. It is further submitted that the petitioners bear no criminal antecedent. It is further submitted that Section 308(5) of BNS, 2023 is added to make the case graver and the same is not applicable against the petitioners. It is further submitted that petitioner no. 1 is 60 years old and the petitioners are men of means and they are ready to furnish sound	

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<u>Cont/2-</u> <u>10.04.2026</u>	sureties to the full satisfaction of the court. Upon these grounds, the learned counsel prays to grant anticipatory bail to the petitioners. 4. On the other hand, the learned P.P. has vehemently opposed the prayer of anticipatory bail. 5. Rival submissions considered, Record perused. 6. The prosecution case, in short as per the written report of informant Gautam Kumar is that on 17.01.2026 at about 06:00 P.M. when he was going from the market and he is on the way then Indrajeet Sharma, Chandan Sharma, Mahendra Sharma surrounded him at Chagain Chowk, Dhamsaini and stopped his scooter and told that he has come from outside after earning money, then he said what is the matter thereafter Chandan Sharma and Indrajeet Sharma demanded Rs. 5000/- money. When he objected then Chandan Sharma snatched I Phone 15 bearing IMEI No. 354278700005329 from his pocket and Indrajeet Kumar forcibly snatched Rs. 4000/- from his pocket and a gold ring worth Rs. 25,000/- from his right hand and assaulted him also. 7. The petitioners are named accused in FIR. As per the allegation the petitioners have snatched the mobile phone of the informant. The independent witness Shikchan Sharma at para no. 10 of the case diary has corroborated the allegation of snatching of the mobile. The independent witness Mahadeo Sharma has also supported the snatching of mobile. From the allegation and the manner of incident of the case, this is a clear cut case of robbery. The mobile phone is yet to be recovered. It is possible that the petitioner Chandan Kumar after snatching the mobile may have handed over the same to the co-accused Mahendra Sharma. The incidents of this type are on the rise.	
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10.04.2026

8. At the time of deciding bail application/anticipatory bail application, the court has to make a delicate balance between the rights of the accused and the rights of the investigating agency to investigate the case fairly and properly including by custodial interrogation. The court has also to keep in mind law and order situation, the rights of the victim and society at large.

9. Considering the totality of the facts and circumstances of the present case, no case is made out to grant pre-arrest bail to the petitioners. Resultantly the instant anticipatory bail application filed by the petitioners (1) Mahendra Sharma and (2) Chandan Sharma is hereby **rejected**.

10. The rejection of anticipatory bail is not a license for the police to automatically arrest the petitioners before making arrest, if any, the Investigating Officer shall follow the guidelines of the Hon'ble Supreme Court laid down in the case of **Jogindra Kumar Vs the State of U.P. AIR 1994 SC 1349**.

(Dictated)

Dinesh Sharma

(Dinesh Sharma)

Principal Sessions Judge,

Saharsa

10.04.2026

Date of Judgement/Order	10.04.2026
Date of Reserving Judgement/Order	10.04.2026
Uploading Date	16-04-26
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