

In the Court of District & Additional Sessions Judge-II
Rosera , District-Samastipur
A.B.P. No. 286-C of 2026
C.I.S. No. 286-C of 2026

A.B.P. No. 287-C of 2026
C.I.S. No. 287-C of 2026

In the matter of

1. Sita Devi & 5 others

2. Sunil Kumar MahtoAccused/ Petitioners.

vs.

State of Bihar. Prosecution/O.P.

On behalf of the state/prosecution- Sri Ram Kumar, Ld. APP.

On behalf of the petitioner- Sri Satikant Sahni Shashi, Ld. Advocate.-

16.06.2026

ORDER

The present anticipatory bail petition has been filed on behalf of the accused petitioners namely **1. Sita Devi 2. Bipin Kumar Mahto 3. Shyambabu Mahto 4. Praveen Kumar 5. Navin Kumar 6. Indu Devi and 7. Sunil Kumar Mahto** in connection with Rosera P.S. Case No. 218 of 2026 under Sections- 126(2), 115(2), 76, 110, 351(2), 352, 3(5) of B.N.S.

Since, aforementioned two anticipatory bail petitions are connected with same P.S. case number, therefore, it is suffice to dispose of both bail petitions by a single composite order.

As per the F.I.R., the prosecution story, in brief, is as follows-

The informant, Poonam Kumari, a Dial-112 police personnel posted at Patna stated in her application that her husband, Sunil Kumar Mahto and his family members subjected her to physical and mental cruelty. The accused allegedly assaulted her wrongfully confined her and attempted to strangle her and threatened her with serious consequences. She further stated that an attempt to commit unnatural sexual acts against her. The accused persons harassed and defamed her by misusing her private audio recordings and photographs. They prevented her from communicating with her 8 years old son and continued to intimidate and torture her. In the background of aforesaid incident, the instant case has been lodged.

Ld. Counsel for the accused petitioners has submitted that no anticipatory or regular bail petitions have ever been moved or pending or have been disposed of either by the Ld. Court of DASJ Rosera, or by the Hon'ble High Court, Patna. The petitioners have no criminal antecedent. The petitioners have given benefit of 35(3) of B.N.S.S. The cognizance has been taken u/s 126(2), 115(2), 76, 351(2), 352, 3(5) of B.N.S. The petitioners are quite innocent and have committed no offences. The

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petitioners are ready to abide by the terms and conditions imposed by the learned court. There is no chance of his absconding or tempering with the evidence. So, he prays to enlarge the accused petitioners on anticipatory bail.

On the other hand Ld. APP on behalf of state opposed the prayer for bail.

Heard both sides. On perusal of the record, it appears that the informant has made allegations against the accused petitioners that they have tortured her by various ways with an intention to kill her. The husband of the informant has misused her private audio and photo to defame her in the society. The informant has alleged that there is an illicit relation between her husband and the wife of his elder brother. The petitioners have declared in para 03 of their bail petitions that they have no criminal antecedent. Para 37 of the case diary reveals that the informant has no medical prescription of her medical treatment. Obviously, there is no documentary evidence of injury over the body of the informant. According to the para 24 of the case diary, the police has served notice to the petitioners u/s 35(3) of the B.N.S.S. The police has not arrested the petitioners during the investigation of the case and submitted charge-sheet. Meaning thereby, arrest of the accused petitioners was not necessary during investigation of the case. The competent court has taken cognizance of the offences against the accused petitioners. This court is of the view that this is the matter of misunderstanding and mistrust between the informant and her husband in which many trivial issue have been raised in exaggerated form. In such circumstances, we can not achieve a greater object refusing bail to the petitioners.

Considering aforesaid facts and circumstances of the case, this court is inclined to be released the petitioners on anticipatory bail. Accordingly, the petitioners, namely **1. Sita Devi 2. Bipin Kumar Mahto 3. Shyambabu Mahto 4. Praveen Kumar 5. Navin Kumar 6. Indu Devi and 7. Sunil Kumar Mahto** are directed to be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each within 04 weeks from the date of receipt of this order to the satisfaction of the ld. court below subject to the conditions mentioned in Section 482(2) of BNSS.

Accordingly, the anticipatory bail petition of the accused petitioner stands **disposed of.**

Dictated

Sd/-

(Rajiv Kumar Mishra)

District & Addl. Sessions Judge -II

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