

In the Court of Distt. & Addl. Sessions Judge,I

Rosera , District-Samastipur

Present :- Sri Umesh Kumar

A.B.P. No. 588-C of 2025

(Arising out of Bibhutipur P.S. Case No. 463 of 2025)

Rama Kant Sharma & other.....Accused/Petitioners

Vrs.

State of Bihar.....O.P.

16.03.2026

Heard , Sri Anil Kumar Sharma , Ld. Counsel for the accused petitioners and Sri Sita Ram Yadav , Ld.Addl.P.P. for the state on the bail petition filed on behalf of accused 1. Rama Kant Sharma 2. Sunil Sharma 3. Ajay Sharma 4. Vivek Sharma 5. Suman Kumar alias Suman Kumar Sharma , who apprehend their arrest in connection with Bibhutipur P.S. Case No. 463 of 2025 , U/s 329(4),126(2), 109(1),324(4),352,351(2),3(5) of B.N.S. , pending in the Court of Ld. S.D.J.M. ,Rosera.

Ld. counsel for the accused petitioners has submitted that petitioners are innocent and have committed no offence but they have falsely been implicated in this case due to enmity . It has further been submitted that petitioners have got no criminal antecedent . It has further been submitted that accused petitioners and informant of this present case are patidars and land dispute is existing between both the parties and due to land dispute petitioners filed this false case. It has further been submitted that no case is made out U/s 109(1) of B.N.S. So,he prays to enlarge the accused petitioners on anticipatory bail.

On the other side Ld. Addl.P.P. on behalf of state and Ld. Counsel for the informant have opposed the prayer for bail.

The prosecution case in brief is that one Ram Balak Sharma filed a written petition before the concerned O.C.,P.S.,stating therein that on 19.11.2025 at 8 P.M. in the night all the accused persons named in the F.I.R. entered into his house and fractured head by iron rod to his wife Dharmshila Devi and his son Guddu Sharma and broken the gate of his house . It has further been stated that due to assaulted both of them sustained grievous injury and later on treated in P.H.C., Bibhutipur .It has further been stated that due to fracture of head eight stitches wound have been made both of them and both of them referred for further treatment .

From perusal of the case diary it transpires that informant as well as other witnesses have supported the case of prosecution vide para 2,6,7,8 of the case

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16.03.2026 diary . It also transpires that injury found on injured Dharmshila Devi and Guddu Sharma is simple in nature . And case is pending for investigation

So, considering the aforesaid facts and circumstances as mentioned above I find that it is not a fit case in which benefit of anticipatory bail be given to the accused petitioners . Accordingly this anticipatory bail petition is hereby disposed of with observation that if petitioners have surrender before the Ld. Trial Court within one month , then Ld. Trial Court without being prejudice by this order consider the bail petition of aforesaid accused petitioners on the above observation, without being prejudice by this order .

Addl. Sessions Judge,I