

In the Court of District & Additional Sessions Judge-I
Presiding Officer: Dushyant Kumar
Rosera , District-Samastipur
A.B.P. No. 282C of 2026
(Arising out of Hasanpur P.S. Case No. 269 of 2025)
Date: 23.06.2026

Siya Ram Khatbe & Others

.....Accused/Petitioners.

vs.

State of Bihar.

.....Prosecution/O.P.

ORDER

1. The present petition has been filed by the accused petitioners, namely, Siya Ram Khatbe, Shibu Khatbe alias Shiv Kumar, Gulshan Khatbe alias Shiv Shankar Kumar, and Raja Ram Khatbe seeking anticipatory bail apprehending their arrest in connection with Hasanpur P.S. Case No. 269 of 2025, registered under Sections 126 (2), 115 (2), 109, 305, 74, 352, 351 (2), 3 (5) of BNS.
2. Briefly stated, the prosecution case, based on the written application of the informant, Shyam Sunder Mahto, is that on 20.12.2025 at approximately 10:00 P.M., while the informant was sleeping, the accused persons, namely (1) Raushan Chaupal, (2) Gulshan Khatbe, (3) Harish Khatbe, (4) Siyaram Khatbe, (5) Amarjeet Khatbe, (6) Raja Ram Khatbe, (7) Shibu Khatbe, (8) Sinu Khatbe, and (9) Ghoghar Khatbe, in connivance with one another, began hurling verbal abuses at him. Upon hearing the commotion, the informant stepped outside and found all the accused persons armed with swords, iron rods, and other sharp-edged weapons. When the informant protested, Raushan Chaupal instigated the other accused persons to trespass into the house and plunder his belongings, whereupon they entered and looted a box containing gold ornaments, clothes, and Rs. 55,000/- in cash. Hearing the noise, the informant's father, Nand Mahto, and wife, Sushila Devi, came out of the house to protest. At the instigation of Raushan Chaupal, co-accused Gulshan and Amarjeet pinned the informant by his hands, while Raushan swung a sharp *gandasa* at his neck with the intention to kill him. In an attempt to shield himself, the informant ducked, causing the weapon to strike his head instead, which resulted in a bleeding injury and caused him to collapse. Thereafter, all the accused persons began assaulting the informant, his wife, and his father. It is further alleged that accused Siyaram, Rajaram, and Amarjeet pulled the informant's wife's saree with criminal intent and beat her until she lost consciousness. Upon hearing their cries, passersby arrived at the scene and rescued the victims, prompting the accused persons to flee after threatening to eliminate the entire family if the incident was reported.
3. Ld. Counsel for the accused-petitioners submits that the petitioners are innocent and have committed no offence whatsoever and have been falsely implicated in the present case due to local political rivalry. It is submitted that no regular bail or anticipatory bail application has been filed or is pending before this Court, the Court at Samastipur, the Camp Court, or any higher Court. It is further submitted that accused-petitioner No. 1, Siya Ram Khatbe, has criminal antecedents in Hasanpur P.S. Case No. 170 of 2017 and Hasanpur P.S. Case No. 18 of 2022; accused-petitioner No. 2, Shibu Khatbe @ Shiv Kumar, has no criminal antecedent;

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accused-petitioner No. 3, Gulshan Khatbe @ Shiv Shankar Kumar, has one criminal antecedent in Hasanpur P.S. Case No. 170 of 2017, in which he was acquitted; and accused-petitioner No. 4, Raja Ram Khatbe, has one criminal antecedent in Hasanpur P.S. Case No. 170 of 2017. Learned counsel further submits that co-accused Raushan Khatbe had contested the last Panchayat Election for the post of Mukhiya of Gram Panchayat Raj Nakuni and that the lands of the accused-petitioners are situated in front of the informant's house. According to the petitioners, the informant and others had damaged the crops standing on their lands and, when the accused-petitioners and other co-accused persons objected to such acts, the informant, with a view to pressurize them and out of ulterior motive, instituted the present false case against the accused persons, including these petitioners. It is further submitted that a perusal of the F.I.R. reveals that there is no independent eyewitness to the alleged occurrence. Learned Counsel further submits that all the offences alleged are bailable except those under Sections 109, 305 and 74 of the Bharatiya Nyaya Sanhita, which, according to him, are not attracted to the facts of the present case and have been incorporated only to make the offences non-bailable. It is further submitted that neither the alleged stolen articles nor any incriminating material has been recovered from the house or conscious possession of any of the accused-petitioners. Learned Counsel also points out that although the alleged occurrence is stated to have taken place on 20.12.2025 at about 10:00 P.M., the informant submitted a typed written application only on 26.12.2025, after an unexplained delay of six days, and no plausible explanation for such delay has been furnished in the F.I.R., thereby casting serious doubt on the prosecution case. It is further submitted that there is no likelihood of the petitioners absconding or tampering with the evidence and that they are ready and willing to abide by any condition that may be imposed by this Hon'ble Court. Lastly, Ld. Counsel prays that the petitioners be enlarged on anticipatory bail.

4. On the other hand Ld. APP. on behalf of state opposed the prayer for bail.
5. Perused the records. The instant case has been instituted under Sections 126 (2), 115 (2), 109, 305, 74, 352, 351 (2), 3 (5) of BNS against the accused persons including the present petitioners, on the allegation that they assaulted the informant and looted cash and ornaments from the house of the informant and outraged the modesty of the informant's wife. Injury report discloses that informant suffered lacerated wound on his scalp of the size 1/2'x 1/2' and NCCT discloses reveals n9 significant abnormality and his injury has been opined as simple. Injuries of other injured have been opined as simple. Upon careful perusal of allegation contained in the FIR appears to indicate that the aforesaid injury of the informant is not attributable to the present petitioners and the same is attributable to the co-accused, Roushan Chaupal who was arrested and has been subsequently been granted bail. Perusal of case diary reveals that allegation of the commission of offence under Section 305 of BNS appears to have not been found to be true.

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6. Considering the above facts and circumstances of the case and nature of allegations against the present petitioners and injuries of the injured, custodial interrogation of the present petitioners does not appear to be warranted at this stage, and it appears that it would be appropriate to grant the petitioner privilege of anticipatory bail to the present petitioners.
7. Accordingly, the petitioners, namely, Siya Ram Khatbe, Shibu Khatbe alias Shiv Kumar, Gulshan Khatbe alias Shiv Shankar Kumar, Raja Ram Khatbe, are directed to be released on bail in the event of their arrest or surrender within six weeks from today on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court of the Ld. Magistrate concerned in connection with **Hasanpur P.S. Case No. 269 of 2025, subject to furnishing of undertaking regarding compliance of conditions as mentioned in Section 482(2) of BNSS.**
8. Let a copy of this order along with the LCR be sent to the Court of the Ld. Magistrate concerned..

Dictated

Sd/-

District & Additional Sessions Judge -1
Rosera, Samastipur

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