

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, IV,
DISTRICT – SHEOHAR**

Present – Aditya Pandey, District & Additional Sessions Judge

Regular Bail Petition (B.P.) No. 42 / 2026

(Arising out of Tariyani P.S. Case No. 78/2026

U/s. 191(2), 190, 126(2), 109(1), 117(2), 303(2), 352, 351(2) of B.N.S.)

1. Vicky Kumar, aged about 25 yrs
2. Vikash Kumar, aged about 27 yrs

.....Petitioners

Versus

State of Bihar.....Opposite Party

Appearance -

For the Petitioners : Sri Manoj Kumar, Advocates

For the State : Sri Arshad Siddiqui, Addl. Public Prosecutor, Sheohar.

For the informant : Sri Ajay Kumar, Advocate.

ORDER

07.05.2026

The learned advocates for the petitioners and the learned Additional Public Prosecutor assisted by learned advocate for informant have been heard at length. Perused the copy of the up to date case diary.

This petition for grant of regular bail was filed on 26.03.2026 on behalf of the above-named petitioners who are in custody since 16.03.2026 in connection with Tariyani P.S. Case No. 78/2026 registered on 15.03.2026 under sections 191(2), 190, 126(2), 109(1), 117(2), 303(2), 352, 351(2) of the B.N.S.

The prosecution's case in brief is that on 13.03.2026 at about 6 PM when a vehicle carrying tent, etc. for *tilak* of the informant's nephew was passing by the house of one Ramchandra Sah, about thirteen persons, including the above named four petitioners, who had assembled there with

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07.05.2026 sticks, iron rods, and sharp-edged weapons, started hurling verbal abuses. It is alleged that Naresh Sah struck the informant on his head, causing bleeding injury and all others struck him with iron rods, causing hurt on left back and left thigh. It is further alleged that Rajdeo Shah struck the informant's brother Sunil Kumar with iron rod, which led to fracture on his shoulder, while all others assaulted him, causing hurt on the left side of stomach. It is further alleged that the informant's nephew Sahil Raj was struck by Shatrughan Kumar with iron rod on head, causing bleeding injury and by Vicky Kumar with lathi causing fracture on his right hand. It is also alleged that the informant cousin Shashi Bhushan Thakur was attacked by Sanjay Shah with iron rod on head, causing bleeding injury, and by all others with sharp-edged weapons and iron rods, causing cut over left eye and fracture of bone. It is finally alleged that Naresh Shah also removed a gold chain and Vikash Kumar threatened to kill them. The four injured were taken to P.H.C.Tariyani where Rajiv Shah and Sanjay Shah again came and threatened. The injured were then referred to SKMCH Muzaffarpur.

It has been averred at the outset in para 2 of the petition that the petitioner has not moved any bail petition either before this Court or Hon'ble High Court, Patna earlier in this case and in para 3 of the petition that the first named petitioner has no criminal antecedent and the second-named petitioner has a criminal case viz. Tariyani P.S. Case No. 81/25 U/s. 126(2) 115(2), 352, 351(2) 3(5) B.N.S. filed by the informant pending against him. The learned advocate for the petitioner has argued and submitted that the petitioners are innocent and falsely implicated in this case due to previous

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07.05.2026 enmity. There is no concrete evidence and specific allegation against the petitioners in this case. As a matter of fact, the informant and others had brutally assaulted the petitioner's father and cousins, for which Tariyani P.S. Case No.79/2026 was lodged against the informant and others. It is therefore, prayed that the petitioners may be released on bail.

The learned Additional Public Prosecutor has opposed the bail petition mainly on the ground that the petitioners were accused of serious and non-bailable offences, including that of attempt to murder, which is punishable with imprisonment for a term which may extend to imprisonment for life and with fine

Now, it transpires from perusal of record that the petitioners are named as accused in this case and the allegations have been broadly supported by the informant and two other witnesses in their statements recorded in the case diary. As per the supervision note recorded in para 29 of the diary that there has been a simmering dispute between the two sides regarding right of way which had escalated into a full blown fight on the relevant date between the two sides and led to filing of this case and counter-case viz. Tariyani P.S. Case No.79/2026 between them.

It is however notable from the preliminary injury reports recorded in para 80 of the case diary that victim Sahil Raj, who has been alleged to have been assaulted by the first-named petitioner, has suffered small lacerated sutured wound on the left side of forehead of size 1cm with abrasion and swelling on right lower arm, and it is indicated that X-Ray report of right shoulder has been found to be normal. It has been also pointed out that there is

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07.05.2026 only an allegation of intimidation against the second-named petitioner, that the alleged offences, except under section 109(1) and 303(2) B.N.S. are bailable and that the material do not specifically support the allegations to *prima facie* furnish ground for presuming commission of serious and non-bailable offences by the petitioners. The petitioners are in custody for about one month and twenty days.

In view of the above facts and circumstances, and taking into account the period of custody, I find it reasonable to grant bail to the petitioners. The petitioners are accordingly ordered to be enlarged on bail upon furnishing bail bonds of **Rs.10,000** with **two sureties of like amount each** to the satisfaction of the learned trial Court, subject to **filing of undertaking in terms of section 480 (3) B.N.S.S.**

Let a copy of this order be sent to the learned trial Court for information and needful.

(Dictated & Corrected)

Sd/-

**Addl. Sessions Judge, IV
Sheohar**