

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

Present – Aditya Pandey, District & Additional Sessions Judge

Anticipatory Bail Petition (A.B.P.) No. 135 / 2026

(Arising out of Shyampur Bhataha P.S. Case No. 61/2026

U/s. 122(2), 115(2), 303(2), 76, 85, 351(4), 3(5) of B.N.S.)

1. Bhikari Ansari @Anwarul Haque, aged about 56 yrs
2. Husanain Ansari, aged about 24 yrs
3. Husan-e-Ara Khatoon, aged about 26 yrs
4. Reshma Khatoon, aged about 25 yrs
5. Rejia Khatoon, aged about 51 yrs

.....Petitioners

Versus

State of Bihar.....Opposite Party

Appearance -

For the Petitioners : Sri Yogendra Sah, Sri Amit Kumar, Advocates

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

For the informant : Sri Rajeev Kumar Pandey, Advocate.

ORDER

18.04.2026

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

This petition for grant of anticipatory bail was filed on 28.03.2026 on behalf of Bhikari Ansari @Anwarul Haque, Husanain Ansari, Husan-e-Ara Khatoon, Reshma Khatoon and Rejia Khatoon, who apprehend arrest in connection with Shyampur Bhataha P.S. Case No. 61/2026 registered on 12.03.2026 under sections 122(2), 115(2), 303(2), 76, 85, 351(4), 3(5) B.N.S.

The prosecution's case in brief is that at about 4 P.M. on 06.03.2026, the informant Nasima Khatoon was assaulted by her husband Jamshed Ansari and father-in-law Bhikari Ansari, as she had objected on their withdrawal of Rs.14000 and Rs.1200 from bank account without her consent. It is alleged

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18.04.2026 that she was first beaten up by slippers by Bhikari Ansari who also tore her suit, and then assaulted by Jamshed Ansari, Husanain Ansari, Husan-e-Ara Khatoon, Reshma Khatoon and Rejia Khatoon. that Husan-e-Ara Khatoon and Reshma Khatoon removed the informant's ear-rings, anklets and locket, and the informant was threatened by her mother-in-law, husband and Husnain Ansari with death. It is lastly alleged that the informant's husband was having an affair with his elder sister-in-law and that he would falsely make allegations against the informant that she often talked with some other person.

It has been averred at the outset in para 2 of the petition that the petitioners have not moved any anticipatory bail petition before this Court or Hon'ble Patna High Court, and in para 3 that the petitioners have no criminal antecedent. The learned advocate for the petitioners has argued and submitted that the petitioners are innocent and falsely implicated in this case on account of petty domestic dispute between the informant and her husband. As a matter of fact, the petitioners were father-in-law, mother-in-law, brother-in-law and sister-in-law and implicated only to obtain her husband's share of property. The petitioners have filed an undertaking that they will co-operate in keeping the informant with full dignity and honour. It is therefore, prayed that the petitioners may be granted privilege of anticipatory bail.

The learned Additional Public Prosecutor has opposed the bail petition.

Now, it transpires from perusal of record that the petitioners are relatives of informant's husband and named as accused in the F.I.R. The informant and two witnesses have supported the allegations of assault etc. in their statement as recorded during the investigation. The copy of injury report

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18.04.2026 attached with the case diary reveals that the informant suffered no visible injury but complained of body pain, and as such it was opined to be simple injury caused by hard and blunt substance.

On the other hand, it has been pointed out that the informant had been married for about fourteen years. Further, the allegations except under section 76, 85 and 303(2) are bailable in nature, and the non-bailable offences are punishable maximum with imprisonment for five years. Here, it also cannot escape the attention of this Court that no notice under section 35 of the B.N.S.S. has been issued to the petitioners so far, despite the offences being punishable with imprisonment for a term which is less than seven years, and as such *there is gross violation of the guidelines issued by the Hon'ble Supreme Court of India in Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 committed by the Investigating Officer.* It is also not disputed that the petitioners bear no criminal antecedent.

In view of the above facts and circumstances, the petition for grant of anticipatory bail is hereby allowed. The petitioners are ordered to be enlarged on bail in the event of arrest/surrender within **two weeks** of receipt of this order 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 482 (2) B.N.S.S.**

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

(Dictated & Corrected)


Addl. Sessions Judge, IV
Sheohar