

In the Court of Dist. & Additional Sessions Judge-III, Sheohar.

A.B.P. No-200/2026

Arising out of Tariyani PS Case No-73/2026

Present:-Sunil Dutt

District & Additional Sessions Judge-III, Sheohar

1. **Phulo Kumar Singh @ Phool Kumar Singh, S/o Shankar Singh, Aged-about 36 years,**
2. **Ram Kishore Singh @ Raj Kishore Singh @ Paltan Singh, S/o Raj Mohan Singh, Aged-about 39 years,**
3. **Shankar Singh, S/o Late Jay Mangal Singh, Aged-about 82 years,**
All R/o Village-Raunapura Kothiya , PS-Gaighat, District-Muzaffarpur
4. **Vivek Kumar, S/o Late Sashi Ranjan Singh @ Lalmohan Singh Aged about 32 years**

R/o Vill-Unsar, PS-Bochaha, District-Muzaffarpur (Bihar)

..... (Petitioners)

V /s

State Of Bihar(Opposite Party)

On behalf of State-Md. Arshad Siddique (Ld. APP)

On behalf of defense- Shri Ashok Kumar Patel (Ld. Advocate)

Sl. No.	Date of Order	Order with signature	Remarks
	20.05.2026	<u>Order</u> The anticipatory bail petition of the petitioners above named (1) Phulo Kumar Singh @ Phool Kumar Singh , (2) Ram Kishore Singh @ Raj Kishore Singh @ Paltan Singh, (3) Shankar Singh (4) Vivek Kumar who are apprehending their arrest in connection with Tariyani PS Case No.-73/2026, Dated-11.03.2026, u/s-126(2), 115(2), 329(4), 305, 352, 3(5) of BNS, have been pressed today for hearing. Copy of the petition has already been served to Ld. APP for the state. Heard Sri Ashok Kumar Patel, Ld. Counsel appearing	

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Contd. <u>20.05.2026</u>	on behalf of the petitioners and Md. Arshad Siddique Ld. APP for the state and perused the case record. The prosecution story as per FIR in brief is that the informant Jai Prakash Singh, submitted a written application at Tariyani Police Station alleging there in that on 04.03.2026 at about 4.00 P.M, his relatives Shankar Singh, Phool Kumar Singh , Raj Kishore Singh and Vivek Kumar came to his house and after having dinner stayed there for night. The next morning at about 5.00 a.m. the informant came to know that during night accused persons broke open the lock of the box kept in the house and took away gold and silver ornaments worth about 3 lakh along with cash amounting of Rs. 35,000 and fled away. When the informant went to the accused person's house at 8.00 a.m. to demand, to return the stolen articles, the accused persons abused him, refused to return the ornament and money. Accordingly FIR was instituted. Ld. Counsel appearing for the petitioners have submitted in para-2 of the bail petition that no other anticipatory or regular bail application has been filed or pending before this Court as well as before Hon'ble High Court Patna. Petitioners have no criminal antecedent as mentioned in para-3 of their anticipatory bail petition. The learned counsel further submitted that petitioners are close relative to each other. Petitioner no.3 Shankar Singh, is the father of the informant's daughter- in-law Dolly Devi, whereas petitioner no. 1, Phool Kumar Singh, is the real brother of the informant's daughter-in-law, petitioner no.-2 is cousin brother of Dolly Devi, petitioner no.4 is the son-in-law of the informant's daughter-in-law Dolly Devi. Informant's daughter-in-law, Dolly Devi has been blessed with three daughters, due to this reason, the informant has been attempting to arrange a second marriage of his son and to harass false case has been lodged on 11.03.26	
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<u>Continued</u> <u>20/05/2026</u>	i.e. after one week of alleged offence dated 04.03.26. The allegations leveled are bailable in nature except 305 of BNS which is not applicable in this case. All the allegations leveled are false, baseless, concocted. There is no chance of absconding of the accused and they are ready to furnish bail bond as per order of the court. At last it has been prayed to allow the pre-arrest bail of the petitioners. <i>Per contra</i> Ld. APP opposed the prayer of the petitioner for anticipatory bail. Heard both sides and perused the case record. On perusal of the case record it appears that FIR has been lodged u/s 329(4), 126(2), 115(2), 305, 352, 3(5) of BNS, in which alleged section 305 of BNS is non-bailable in nature. From further perusal of para 15, 16 of the case diary it appears that witnesses have not said anything regarding stolen articles and both parties are close <i>relative</i>, witnesses have disclosed that informant's daughter-in-law who always resides in her parental home, demand her share in the in-laws property, which is the cause of dispute between both parties. The allegations leveled regarding theft appear to be general and omnibus. All other allegations leveled are bailable in nature. Petitioners are having clean antecedent as mentioned in para 42, 45 of the case diary and has also been mentioned in para-03 of the petition which is supported with affidavit. Thus, considering the aforesaid facts and circumstances of the case, the petitioners having clean antecedent, this court is inclined to enlarge the petitioners to anticipatory bail. It is therefore ordered that in the event of arrest or surrender before the learned trial court concerned within four weeks from the date of receipt of this order the accused/petitioners (1) Phulo Kumar Singh @ Phool Kumar Singh, (2) Ram Kishore Singh @ Raj Kishore Singh @ Paltan Singh, (3) Shankar	
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	Singh (4) Vivek Kumar are directed to be released on bail after furnishing bail bond of Rs. 10,000 (Ten Thousands) with two sureties of like amount each to the satisfaction of the Court concerned, subject to the further condition that:- (i) one of the bailor shall be either father, mother, brother, sister or any close relative. (ii) the petitioners shall co-operate during investigation and trial. (iii) If the petitioners have concealed their criminal antecedent, then the prosecution shall be at liberty to take steps for cancellation of the bail bond of the petitioners. (iv) Bailors shall furnished separate declaration/undertaking u/s 486 of BNSS. (v) The petitioner shall comply the conditions as mentioned under section 482(2) of B.N.S. Dictated Sd/- (Sunil Dutt) District & Additional Sessions Judge-III, Sheohar. Dated-20.05.2026	
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