

**In the Court of Sri Santosh Kumar Tiwary**  
**Principal District & Sessions Judge, Sheikhpura.**  
**A.B.P. No:- 80/2026**  
**State of Bihar vs. Mohan Kumar.**

Mohan Kumar, Aged about 30 years  
S/o Suresh Sao  
R/o Village – Simurtalla, P.S. - Sikandra  
District – Jamui.....Petitioner.

**Vs**

The State of Bihar .....Opposite Party.

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For the Petitioner :- 1. Sri Awadhesh Kumar Jha, Ld. Advocate.

2. Sri Deepak Kumar, Ld. Advocate.

For the O. P. (State) :- Sri Uday Narayan Sinha, Ld. P. P.

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**ORDER.**

**18.03.2026** Anticipatory bail petition has been filed on behalf of accused petitioner Mohan Kumar apprehending arrest in connection with Korma P.S. Case No. 114/2024. The present case has been registered against the accused petitioner and others for committing the offence U/s. 316(2), 318(4), 3(5) of B.N.S. The present petitioner is also named in the FIR with the allegation that he has committed the alleged offence. Hence, he has moved this anticipatory bail petition U/s. 482 of B.N.S.S-2023. Ld. P.P. submitted case diary.

As per the written report of informant Barun Kumar @ Arun Kumar, prosecution story in brief is that he and the other victims mentioned in this application used to sell their produce to grain merchant Sakaldev Sao in Sheikhpura and Sakaldev Sao used to do this work in the name of Mahalaxmi Bhandar. The informant used to supply grains to Sakaldev Sao every year, this year also he sold grains worth Rs. 38,75,052/- on 21.04.2024, 09.04.2024, 15.04.2024, 21.04.2024, 26.04.2024, out of which Rs. 12,50,000+1,42,500+2,00,000 were paid to him by Sakaldev Sao on three dates and the remaining Rs. 22,82,562/- remained outstanding. Similarly, other people also have to get their money from Sakaldev Sao. They had also sold their grains to him and their money is still due with Sakaldev Sao, which includes Jitendra Kumar's Rs 6,80,471/-, Pappu Mahto @ Yogendra Prasad's Rs 17,25,126/-, Mahesh Prasad's Rs 9,66,400/-, Mahendra Prasad's Rs 63,100/-, Ramnath Mahto's Rs 61,250/-, Pankaj Kumar's Rs 89,000/-, Ravindra Kumar's Rs 2,80,640/-, Ramkhelavan Mahto's Rs 2,19,000/-, Dashrath Mahto's Rs 1,25,000/-, Panjabi Mahto's Rs 2,29,493.75/-, Vindeshwar Mahto's Rs 3,12,500/-, Sinem Mahto's Rs 2,05,600/-, Ajau Mahto's Rs 6,39,000/-, Surendra Mahto's Rs 1,00,000/-,

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**18.03.2026** Ramchandra Mahto's Rs 1,70,000/-, and Sunil Mahto's Rs. 31,320/-. The applications of all the victims have been filed together because the case of all the people is similar. Along with grain merchant Sakaldev Sao, his sons Pawan Kumar, Karan Kumar, Ashish Kumar, wife Sangeeta Devi and relatives Mohan Kumar, Jauhri Sao and Mahesh Sao also sometimes accompanied Sakaldev Sao in buying and selling and were involved in the transactions. On 27.09.2024, when the informant, along with Yogendra Kumar and Jitendra Kumar, reached Sakaldev Sao's grain shop at Mahadev Nagar at about 11 A.M. to collect their outstanding money, they found Sakaldev Sao's house and shop closed. Neighbours reported that Sakaldev Sao and his family had been saying they would leave Sheikhpura, and everyone searched for the accused but couldn't find them. They believe that Sakaldev Sao and his seven accomplices had embezzled money owed from the sale of their grain through fraud and forgery.

Learned Advocate for the petitioner has submitted that petitioner is innocent and has not committed any offence, rather she has been falsely implicated in this case. Prior to this bail petition, the accused petitioner has not filed any bail petition before this Court or before Hon'ble High Court, Patna. The accused petitioner has no criminal antecedent, but for the same matter, this informant has initiated Birupur P.S. Case No. 59/2024 against him. The petitioner submitted that he neither knows the informant and his associates nor knows Sakaldev Sao personally. He has never purchased any grain from the informant and his associates. The petitioner purchased the land of Sakaldev Sao through someone else, and therefore the petitioner has been implicated in this case. From perusal of the FIR, the petitioner did not participate in the said incident, and the informant states that the petitioner merely used to come with Sakaldev Sao everywhere, but in fact, he does not even identify him. The allegations made against him are false and baseless. Ld. Advocate for the petitioner further submitted that in the instant case, the FIR was lodged on 09.10.2024, whereas the land situated in Sheikhpura had already been purchased by the accused petitioner from Sakaldev Sao on 25.09.2024. The informant is attempting to forcibly encroach upon this very land, and for this reason, the informant has falsely implicated the accused petitioner in this case. A copy of the sale deed pertaining to the land has been attached with the bail petition. As per the prosecution case, no case is made

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**18.03.2026** out against him, and the alleged sections of B.N.S. also do not apply, and the petitioner did not purchase any grain from the informant. The petitioner undertakes that he shall cooperate in the investigation and shall be present before the Court on every fixed date.

Ld. P.P. opposed the prayer for bail and has submitted that accused petitioner is involved in alleged offence. Investigation is still pending.

Heard Ld. Advocate for the accused petitioner as well as Ld. Public Prosecutor and perused the record. From perusal of record, it appears that the matter is purely a civil dispute and there is business transaction dispute between both the parties. From perusal of written report of informant, it appears that the main accused in this case is Sakaldev Sao, he is a grain merchant in Sheikhpura, and all allegations have been leveled against him. It is mentioned only at the last of the written report that along with grain merchant Sakaldev Sao, his sons Pawan Kumar, Karan Kumar, Ashish Kumar, wife Sangeeta Devi and relatives Mohan Kumar (accused petitioner), Jauhri Sao and Mahesh Sao also sometimes accompanied Sakaldev Sao in buying and selling and were involved in the transactions. The sole allegation against the accused petitioner is that he occasionally associated with the co-accused, Sakaldev Sao, in the purchase and sale of grain, but from perusal of case record, it appears that there is no evidence on record to suggest that the accused petitioner ever associated with Sakaldev Sao in matters of purchase and sale, furthermore, no cheques drafts, or other documents pertaining to the mode of payment are available on the record. The witnesses of the case diary have also not made any specific allegation against the accused petitioner. They have stated in general and omnibus manner. The present case has been registered against the accused petitioner and others for committing the offence U/s. 316(2), 318(4), 3(5) of B.N.S. However, prima facie it appears that no such evidence is being disclosed under Sections 316(2), 318(4) of B.N.S. From perusal of the FIR, it prima facie appears that no criminal case is made out against the accused petitioner. There is also no possibility of tampering with the documentary evidence, so custodial interrogation is not required. Considering the above facts and circumstances, the present anticipatory bail petition of accused petitioner Mohan Kumar is hereby allowed and in the event of arrest or surrender within 15 days from today, accused petitioner Mohan Kumar be enlarged on anticipatory bail under Section 482(2) B.N.S.S-2023 on furnishing bail bond of Rs.

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**18.03.2026** 10,000/- with two sureties of like amount each to the satisfaction of Ld. Trial Court, subject to the condition that-

**1. One of the sureties shall be close relative of accused petitioner.**

**2. Accused petitioner shall appear before the Ld. Trial Court on each and every dates till framing of the charge.**

**3. Accused petitioner shall provide his mobile number and Whats App number in writing to the Ld. Trial Court at the time of furnishing bail bond, and shall also undertake not to change his mobile number until the trial is concluded without the permission of the Ld. Trial Court.**

Dictated

Principal District & Sessions Judge  
Sheikhpura.  
18.03.2026

Date of Judgment / order	18.03.2026
Date of Reserving Judgment / order	18.03.2026
Uploading Date	19.03.2026
Uploaded by	Md. Fazal Ahmed