

In the court of Ist Addl. Sessions Judge, Sheikhpura.
Presiding Officer: Sri Neeraj Kishore
Bail Petition No. 575/2026
Krishna Chauhan and Another Vs. State of Bihar

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Arising out of Kasar P.S Case No. 50/2026
U/s – 126(2), 115(2), 118(2), 329(4), 109, 3(5) of BNS

- 1. Krishna Chauhan, aged about 60 years**
S/o Late Lekha Chauhan
- 2. Anand Kumar @ Anant Kumar, aged about 25 years**
S/o Krishna Chauhan
Both R/o Vill. – Dhanu Tola, Masodha
P.S – Kasar
Dist.- Sheikhpura

..... **Petitioners**

Vs.

State of Bihar

..... **O.P**

Counsel for the petitioners ----- Sri Avinash Kumar Sharma, Ld. Advocate
Counsel for the State ----- Sri. Shambhu Sharan Prasad, Ld. Addl. P.P

ORDER

04.06.2026 Bail petition dated 25.05.2026, filed on behalf of the accused/petitioners 1. Krishna Chauhan and 2. Anand Kumar @ Anant Kumar who are in custody since 06.05.2026 in connection with Kasar P.S Case No. 50/2026, under Sections- 126(2), 115(2), 118(2), 329(4), 109, 3(5) of BNS pressed today.

Pressing the bail petition, learned counsel for the petitioners has submitted that no bail petition either regular or anticipatory has been filed or is pending on behalf of the petitioners either before this Sessions Division or before the Hon'ble High Court and the Petitioner No. 1 has two criminal antecedents and Petitioner No. 2 does not have any criminal antecedent. It has been further submitted that the petitioners are quite innocent and have committed no offence and have been falsely implicated in this case. It has been further submitted that petitioners and the informant are gotiyas and there is a land dispute between the parties. It has been submitted that the informant has

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instituted Kasar P.S. Case No. 48/2026 and 50/2026 in order to pressurise the petitioners to settle the land dispute. It has been submitted that all other alleged offences except offence u/s 118(2) and 109 of BNS are bailable in nature and these offences are not attracted against the petitioners. Learned counsel has sought to enlarge the petitioners on the privilege of bail.

On the other hand, learned Addl. P.P. has opposed the petition for bail.

Case diary has been received.

I have heard the submissions and gone through the materials available on the record, it transpires that no other bail petition of any nature is pending on behalf of the petitioners, either before this Sessions Division or before the Hon'ble High Court and petitioners do not have any criminal antecedents as revealed from Para 35 of the case diary, however, as per the bail petition, Petitioner No. 1 have two criminal antecedents and Petitioner No. 2 does not have any criminal antecedent. It transpires that the instant FIR has been instituted at the instance of informant Tufan Kumar alleging therein that on 01.05.2026 at about 10:00 AM owing to land dispute accused Krishna Chauhan, Sanjay Chauhan, Devki Devi, Tetri Devi and Lalita Kumari assaulted him and his family members for which he instituted Kasar P.S. Case No. 48/2026 dated 02.05.2026. It is alleged that owing to the same dispute on 05.05.2026 at about 07:30 AM accused Krishna Chauhan, Sanjay Chauhan, Anand Kumar, Jairam Kumar, Ramsharan Kumar, Musafir Chauhan and Kavita Devi intercepted his younger brother Umesh Kumar near the house of Sunil Chauhan and pushed him on the ground and accused Anand Kumar assaulted him by Kudal at his neck. It is alleged that when his brother ran to save himself, the accused chased him at his house and accused Anand Kumar entered his house and assaulted him by kudal at his head causing injury at the left side of his head. It is alleged that accused Sanjay Chauhan and Musafir Chauhan assaulted his brother Guddu Chauhan by iron rod causing fracture of his left hand and injury at his head. It is alleged that the informant called on 112 and with the help of police were taken to Community Health Center, Ariyari.

Perusal of the case diary shows that the informant has supported his case in his restatement at Para 3 and the witnesses at Para 4 and 5 have also supported the prosecution case. The petitioners were served with notice u/s 35(3) of BNSS. The injury report of injured Tufan Chauhan shows that the injured sustained deep lacerated cut injury over the scalp (5cm x 1cm), no active bleeding, abrasion of 5cm length over right side of lower back, pain and swelling (5cm x 4cm) over middle of back and pain and swelling (3cm x 2cm) over left side of middle of back and the injured Guddu Chauhan sustained swelling over right elbow joint, sharp and deep cut incised wound (semi-circular) (5cm x 5cm) over right side of forehead with no active bleeding, pain and swelling over both knees and pain and swelling over right side of back. The injured were advised X-ray and NCCT brain,

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however, it reveals from petition submitted by injured to the M.O., Ariyari that the injured did not go for NCCT brain and X-ray. It appears from the FIR itself that the allegation against the Petitioner No. 1 is to have assaulted informant's brother Umesh Kumar and to have pushed him on the ground and Petitioner No. 2 assaulted him by kudal in order to cut his throat, however, there is no injury report of injured Umesh Kumar to substantiate the allegation. The allegation against the Petitioner No. 2 is to have not only assaulted informant's brother Umesh Kumar, but also to have assaulted the informant by kudal causing head injury. The injury report of informant shows deep lacerated cut injury over the scalp measuring 5cm x 1cm with no active bleeding. It appears that the informant and his brother did not go for any CT-scan and X-ray as advised by the doctor which shows that the injuries were not serious in nature. The petitioners are in custody since 06.05.2026. There is a case and counter case between the parties owing to land dispute. The petitioners are not attributed with allegations of repeated assault at the injured at the vital part of the body of the injured. The Petitioner No. 1 is not the main assailant and the assault committed by Petitioner No. 2 measures 5cm x 1cm which makes me to believe that the intention of the Petitioner No. 2 was not to commit the murder of the injured.

Under these circumstances considering the nature of offence and its gravity as well as the fact that the petitioners are in custody, I deem it fit and proper to enlarge the petitioners 1. Krishna Chauhan and 2. Anand Kumar @ Anant Kumar on the privilege of bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount subject to the satisfaction of the Id. Trial Court.

Consequently, the instant bail petition dated 25.05.2026 stands **allowed**.

Let a copy of this order be transmitted to the Id. Trial Court forthwith.

Dictated

(Neeraj Kishore)
Addl. Sessions Judge- 1st
Sheikhpura

Date of Judgment /Order	04.06.2026
Date of Reserving Judgment/Order	04.06.2026
Uploading date	05.06.2026
Uploaded by	Md. Reyazul Haque