

In the Court of Mirtunjai Singh 1st Addl. Sessions Judge, Saran at Chapra.
A.B.P. no. 4999/2025 (Dighwara P.S. case no. 197/2025)
Lal Babu Rai & others versus State of Bihar.
O R D E R

9.3.2026

Heard learned counsel for the petitioners as well as learned Addl. P.P. for the State on anticipatory bail petition of petitioners namely 1. Rambabu Rai and 2. Shyam Babu Rai who are apprehending their arrest in the above referred case registered u/s126(2), 115(2), 118(1), 109, 352, 351(2), 303(2), 74, 3(5) of BNS.

Brief case of prosecution is that Lalti Devi is informant of this case and on 30.5.2025 at about 8 O'clock of morning, accused petitioner no. 1 Rambabu Rai and accused Nitish Kumar came at the door of the informant and due to demand of money, there was a hot talk between the daughter of informant namely Mala and both the accused persons in the meantime, both the accused persons started assaulting and pulling her daughter due to which her clothes were torn and she became unmasked. When the informant and her husband rushed to save their daughter, both the accused persons assaulted both of them by lathi, danda and iron rod, due to which head of the husband of informant cut and blood started oozing. Petitioner no. 2 and other accused persons of this case assaulted the informant and others with lathi and danda. Accused persons also snatched jewelries of the informant from her neck.

It is submitted on behalf of the petitioners they are innocent and they have not committed any offence and have been falsely implicated in this case due to suspicion, both the parties are pattidars and there is dispute of passage between them, there is case and counter case between the parties, no any regular or anticipatory bail petition has been filed by the petitioners in any court of law, they are named accused in two other cases, they are ready to furnish sureties as required by the Court. Therefore, it is prayed that the petitioners may be enlarged on anticipatory bail.

The learned Addl. P.P. opposed the prayer for anticipatory bail.

Perused the record and on perusal of the same, it is found that there is allegation agaisnt the petitioners that they along with others have assaulted the informant, her daughter and her husband with lathi, danda and rod due to which they became injured and they were taken to hospital for treatment. Informant in her statement recorded at para no. 2 of case diary has supported the prosecution case. Other witnesses in their statement recorded t para no. 6

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and 7 of case diary have also supported the prosecution case. Three persons have been made injured from informant side. On perusal of injury report, it is noted that one of the injury of informant has been found grievous in nature by the doctor. The doctor has also found so many injuries on the person of other two injured and he prescribed medical tests for their injuries. Earlier anticipatory bail petition of other co-accused persons of this case has been rejected by this court vide ABP No. 2809/2025 and the case of these petitioners is on same footing. Investigation is afoot in this matter.

Considering the above facts and circumstances of the case, nature of allegation and also for the reasons mentioned above, I am not inclined to give benefit of pre arrest bail to the petitioners, accordingly prayer for anticipatory bail of the petitioners is hereby rejected.

(Dictated)

(Mirtunjai Singh
1st Addl. Sessions Judge, Saran.