

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,  
SITAMARHI.

Dated, Sitamarhi, the 30<sup>th</sup> April, 2026.

Present:- Akhilesh Kumar Jha, Principal District & Sessions Judge,  
Sitamarhi.

A.B.P No. 432/26.

In the matter of :-

Mayank Kumar S/O Sanjay Singh & Anr, R/O Jamuna Barahi Ward No. 08, PS-  
Bathnaha, Distt.Sitamarhi.....Petitioners.

V/S

.....Opposite Party.

State of Bihar.....

Appearance:

For the petitioner:- Sri Rajesh Kumar Singh, Advocate.

For the State:- Sri Prafulla Kumar Jha, I/C P.P.

Date of order or  
proceeding.

Order with the signature of the court.

Office action  
taken with  
date.

30.04.2026.

This anticipatory bail petition has been filed on behalf of the petitioners namely, Sanjay Singh, Mayank Kumar, Kanhai Kumar, Keshav Kumar, Divyanshu Kumar and Vikash Kumar who are apprehending their arrest in connection with Bathnaha P.S. Case No.- 404/2024 registered u/ss: 126(2), 115(2), 74, 109(1), 351(2), 351(3), 3(5) of BNS.

2. Heard the learned counsel for the petitioners and the learned I/C PP for the State.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and have been falsely implicated in the case. Further, submitted that during investigation of the case, petitioners were given benefit of Section 35(3) of BNSS by police and they have not misused said benefit given by the police. Further submitted that after completion of investigation, police filed charge-sheet and Magistrate took cognizance under Sections 126(2), 115(2), 74, 109(1), 351(2), 351(3), 3(5) of BNS against all the six accused persons named in the FIR. Learned counsel submitted that police filed charge-sheet without arresting the

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,  
SITAMARHI.

Dated, Sitamarhi, the 30<sup>th</sup> April, 2026.

Present:- Akhilesh Kumar Jha, Principal District & Sessions Judge,  
Sitamarhi.

A.B.P No. 432/26.

Contd.  
30.04.2026.

accused persons. However, after cognizance of offence there is apprehension of arrest. Further submitted that no case under 109(1) and 74 of BNS is made out against petitioners, rest of offence are bailable in nature. The petitioners and the informant are Joint Mitakshara Family and there is land dispute between both the sides. In this case, date of alleged incident is 27.08.2024, however, FIR was registered in this case on 03.09.2024 and there is no plausible explanation of delay in registration of FIR which makes prosecution's story suspicious. On these grounds, the learned counsel prayed for grant of anticipatory bail to the petitioners.

4. On the other hand, the learned I/C PP opposed the prayer for bail of the petitioner.

5. Heard both sides and perused the record.

6. As per FIR, prosecution's case in brief is that on 27.08.2024 at 09:30 A.M., informant's both sons, when reached near house of Sanjay Singh they saw that Sanjay Singh was cutting banana from the plant of informant. When informant's sons protested, Sanjay Singh, Mayank Kumar, Keshav Kumar, Divyanshu Kumar and Vikas Kumar armed with knife, rod, lathi and farsha came and Sanjay Singh gave repeated knife blow in the head of informant's son Adesh Kumar. As a result of which, he sustained several head injuries. The younger son of informant Aman Kumar was assaulted by Mayank Kumar, Kanhai Kumar and Keshav Kumar, who throttled his neck with rope. As a result of which blood and sliva came out from his mouth. Receiving information about the incident, when informant reached near the house of Sanjay Singh, he found her son smeared in blood, on the ground,

**THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,  
SITAMARHI.**

**Dated, Sitamarhi, the 30<sup>th</sup> April, 2026.**

**Present:- Akhilesh Kumar Jha, Principal District & Sessions Judge,  
Sitamarhi.**

**A.B.P No. 432/26.**

Contd.  
30.04.2026.

in unconscious state. Thereafter, Kanhai Kumar assaulted informant with farsha and she sustained head injury and Sanjay Singh caught her hair and threw her on the ground. As a result of which, she was disrobbed. They also snatched golden chain of informant. Villagers took all three injured for treatment to Sitamarhi Hospital.

7. As per the FIR allegation against petitioner no. 1, Sanjay Singh is that he gave repeated farsha blow on the head of Adesh Kumar and inflicted several cut injuries on his head. However, as per injury report of Adesh Kumar there is only one lacerated wound on his parietal area and other 2 abrasions are on abdomen on right arm, all injuries are simple in nature. Further, allegation against petitioner, Mayank, Kanhai and Keshav is that they strangled Aman Kumar, however, ~~in~~ his injury is on finger and abrasion on nose, ~~and which~~ are simple as per injury report of doctor. Injuries of both Adesh and Amar have been opined by doctor caused by hard blunt substance. Further allegation against Kanhai is that he gave farsha blow to informant although injury of informant is incised wound on her head but injury is also simple in nature. In para 6 and 7 of the case diary, during investigation, witnesses have not stated any specific role and name of weapons used by the petitioners and they have only stated that petitioners except Mayank Kumar, assaulted informant and her both sons. They have also stated that due to previous land dispute both sides, often ~~they~~ <sup>A</sup> used to fight with each other. During investigation of the case, police did not arrested the accused persons and they submitted charge-sheet without arresting the petitioners. Petitioners are having no criminal antecedent.

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE,  
SITAMARHI.

Dated, Sitamarhi, the 30<sup>th</sup> April, 2026.

Present:- Akhilesh Kumar Jha, Principal District & Sessions Judge,  
Sitamarhi.

A.B.P No. 432/26.

Contd.

30.04.2026.

8. In view of the facts and circumstances of the case, previous land dispute between the parties, injuries of injured are simple in nature, in this case, date of alleged incident is 27.08.2024, however, FIR was registered in this case on 03.09.2024 and there is no plausible explanation of delay in registration of FIR, prayer for anticipatory bail of the petitioners are allowed and in the event of their arrest or surrender within a period of four weeks from today, they shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Magistrate where the case is presently pending subject to the conditions as laid down u/s: 482(2) of the BNSS.

(Dictated)

  
Principal Sessions Judge,  
Sitamarhi.  
30.04.2026.

|                                  |                         |
|----------------------------------|-------------------------|
| Date of Judgment /Order          | 30.04.2026.             |
| Date of Reserving Judgment/Order | 30.04.2026.             |
| Uploading Date                   | 04/5/2026<br>Amun Kumar |
| Uploaded by                      |                         |