

**ABA No.- 387/2026**  
**In the court of District & Additional Sessions Judge- V, Supaul**  
**Supaul PS Case No.- 588/2019**

Present :(i) Name of P.O- **Sri Dev Raj**  
(ii) Ld. **Additional Public Prosecutor** for the State.- Sri. Rajeev Ranjan  
(iii) Ld. Counsel for petitioners **Ld. Advocate.** - Sri. Lalan Kumar

Date	Particulars / Contents of order	Remarks
<b>9.04.2026</b>	<p>1. Vide this order, this court shall adjudicated upon the Anticipatory bail application filed on behalf of the accused namely, <b>Chhedan Sada</b>. The arguments were heard in extenso, the gist whereof are discussed hereunder.</p> <p>2. The Ld. Counsel on behalf of the applicant/ accused submitted that the petitioners are innocent and they have falsely been implicated. All the aligation levelled against the petitioner is general and omnivous in nature. Lastly, it has been submitted to enlarge the petitioner on bail.</p> <p>3. Per contra, the Ld. A.P.P for the state ardently opposed the anticipatory bail application by Submitting that the offence alleged to have been committed by the petitioners are grave and serious in nature and as such the petitioners do not deserve bail.</p> <p>4. Submission heard and record perused.</p> <p>5. The case of prosecution in brief as made out from written application of informant Indra Devi W/o Sohan Yadav, R/o- Raja Kharhor Ward No. 04, PS and District Supaul, is that on 29.08.2019 at about 09:15 A.M. accused persons namely 1. Kamal Sada 2. Mangal Sada 3. Jaikrishna Sada 4. Chedan Sada and 5.Ganja Sada 6. Ashok Sada 7. Jeetan Sada 8. Arun Sada 9. Kamal Sada S/o Bhumi Sada 10. Akhilesh Sada 11. Gaurushinkar Sada 12. Sanjeet Sada 13. Ashok Sada 14. Subodh Sada and 15. Rameshwar Sada armed with Lathi, Dabiya, Kudal, Iron Rod etc. were constructing house on the land of the informant. When the informant prevented them to do so then the above mentioned accused petitioners assaulted the informant. When the brother in law (Dewar) of the informant Murari Yadav came to rescue her then the above-mentioned accused persons assaulted him also. When the daughter in law of the informant namely Vibha Devi and Manika Devi came to rescue them then the accused persons assaulted them also and torn her Blouse and Saree. The co-accused Jayakrishna Sada assaulted the brother in law (Dewar) of the informant with Kudali on his head due to which his head got busted and blood started ozing. The co-accused Chedan Sada Broken the leg by</p>	



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<p><b>Cont.</b> <b><u>9.04.2026</u></b></p>	<p>assaulting with Iron rod. That during the assault the co-accused Akhilesh Sada and Gauri Shankar snatched the golden chain and silver chain from the neck of the daughter in law of the informant. The local people came upon raising alarm and pacified the matter. The police came and took them to Sadar Hospital for treatment, from where seeing the serious condition of her brother in law (Dewar) he was referred to Darbhanga.</p> <p>6. At this juncture, it would be apposite to reproduce the following extracts of Bhadresh Bipinbhai Sheth Vs. State of Gujrat &amp; Anr., (2016) 1 Supreme Court Cases 152: "(x) The following factors and parameters need to be taken into consideration while dealing with anticipatory bail:</p> <ol style="list-style-type: none"><li>a) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;</li><li>b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;</li><li>c) The possibility of the applicant to flee from justice;</li><li>d) The possibility of the accused's likelihood to repeat similar or other offences.</li><li>e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;</li><li>f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;</li><li>g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution, because overimplication in the cases is a matter of common knowledge and concern;</li><li>h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;</li><li>i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;</li><li>j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of event, the</li></ol>	
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accused in entitled to an order of bail."

7. Heard both the sides and perused the case record as well as the case diary from which it transpires that the instant case of Supaul Ps Case No.- 588/2019 was registered by the informant in which accused/ petitioner are named in the FIR namely, Chhedan Sada. The allegation against the accused/ petitioner in FIR is that they collectively assaulted the informant and her family members due to which the informant, her daughter-in-law and Brother-in-law got injured. It is an example before the court that how the investigation is being conducted by the I.O. The FIR was registered on 29.08.2019 but till date the investigation has not been completed despite lapse of six years. There is mandate of the Hon'ble Apex Court that the investigation must be completed within a period of three hundred days. The I.O is physically present and emphatically submitted that the custodial interrogation of the accused is not at all required. The I.O has also submitted that he has not made any prayer for warrant before the Ld. Magistrate in order to arrest the accused. The entire case diary has not been produced by the I.O rather the diary which has been produced is from 2.12.2023 to 31.01.2026. The I.O has not taken pain to produce the injury report. The allegation against the petitioner is that the petitioner has assaulted with iron rod on the leg of the victim by which his leg was fractured. The assault was not made on the vital part of the body nor any repeated assault was allegedly made by the petitioner on the body of the victim.

8. In the light of above observation and also considering the fact that the investigation has not been concluded after lapse of six years as well as allegation against the petitioner that he has not assaulted on any vital part of the body nor repeated assault, this court is inclined to **grant** the anticipatory bail to the above named petitioner on the following conditions:-

1. In the event of arrest he shall be released on bail on furnishing bail bond of Rs.10,000 along with two local surities of like amount to the satisfaction of Ld. Trial Court.
2. The petitioner is directed to join investigation as and when called for by the I.O.
3. The petitioner is directed to give his mobile no. to the I.O and keep them operational at all times.
4. The petitioner is directed to give his address to the I.O and if he

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changes address, he was intimidate the same to the I.O.

5. The petitioner is directed to co-operate in the trial.
6. The accused shall not, directly or indirectly contact or pressurize the complainant or any other witness.
7. In case any complainant is received from the complainant that the accused trying to contact him and trying to put pressure on him then the protection as granted by this court shall stand cancelled.

9. Needless to say, the above mentioned observations are predicated solely the facts alleged and brought forth at this juncture and are not finding on merits and would also have no bearing on the merits of the case. With these conditions and observation, the anticipatory bail application stands disposed off. Let the copy of the order be transmitted to the Ld. Trial Court. Case diary be returned to the I.O.

Copy of the order be uploaded on NJDG.

**Dictated and corrected**



**(Dev Raj)**

D & A.S.J- V, Supaul

Date: 9.04.2026