

ABA No.- 395/2026
In the court of District & Additional Sessions Judge- V, Supaul
Balua Bazar PS Case No.- 404/2025

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. Johar Mandal

Date	Particulars / Contents of order	Remarks
<u>27.04.2026</u>	<p>1. An application u/s. 438 Cr.P.C. seeking Anticipatory bail of applicant/accused namely 1. Anil Kumar, 2. Rupesh Kumar, 3. Sunil kumar, 4. Krishn kumar and 5. Ritesh Kumar has been taken up. Heard learned Additional Public Prosecutor and counsel for petitioner/Accused. I have considered the arguments of the Ld. Counsel for the applicant and the arguments of Ld. A.P.P. for the state..</p> <p>2. Submission of Ld. Counsel for the petitioner- Ld. Counsel for the applicant submitted that the petitioners have falsely implicated in this case. The petitioner has not committed any offence as alleged by the informant. The petitioner is law abiding citizen and he is ready to abide any condition imposed by this Hon'ble Court. It has further been submitted that the petitioner constructed his portico on the land given to him by the rehabilitative officer, Koshi project, Supaul. The petitioner has undertake that he will not abscond and will not tamper any witness . Lastly, the petitioners preyed to enlarge them on anticipatory bail.</p> <p>3. Submission of Ld. A.P.P- 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. Prosecution Case- In nutshell, the case of the prosecution is that the informant namely Birendra Kumar, filed the written report wherein it has been submitted that he is living in his house of her father-in-law as his father-in-law Ramdhari Mehta does not have any issue and the informant is looking after the entire property of father-in-law. The agricultural land pertaining area of 1 acre 11 decimile for which the settlement was made with the revenue record in the name of his father-in-law namely, Ramdhari Mehta and for the said land there was a litigation with the Ramji Mehta and the said litigation came to and end in Janta Darbar (Balua Bazar) and the decision was in favour of my father-in-law vide order dated 11.11.2023 and a litigation was pending in the office of DCLR, Birpur vide case no. 19/2024-25. the said case was also decided in favour of his father-in-law vide order dated 30.01.2025 and thereafter the land was demarcated and measurement was done.</p>	

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<p>Cont. <u>27.04.2026</u></p>	<p>Thereafter, the aggrieved Ramji Mehta preferred an appeal vide appeal no. 26/2025 and the Court of Commissioner Koshi division, Saharsa again passed an order in favour of the father-in-law namely, Ramdhari Mehta and then SDO, Birpur directed for measurement of land by meats and bounds and accordingly measurement was done. On 02.12.2025, when the informant went to sow maze in that agricultural field, Arvind Kumar Mehta, Ram Lakhan Mehta, Laddu Kumar Mehta, Santosh Kumar Mehta, Birendra Mehta, Krishna kumar Mehta, Sunil Kumar , Anil Kumar, Ritesh Kumar and Rupesh Kumar having weapons like farsa, pistol, dabiya, iron rod, sword and axe went to the field and Ramji Mehta ordered to kill the informant and on behest the accused Arvind Kumar Mehta assaulted him with farsa. He sustained injuries in his left eyes. they also assaulted Subhash Kumar, Panna Lal Mehta, Jitendra Kumar Mehta, Hari Narayan Mehta and Sambhu Narayan Mehta who sustained injuries. The informant further submitted that ritesh kumar assaulted Sambhu Mehta with dabiya on his head and thereafter they snatched gun from laddu kumar Mehta. The co-accused Arvind kumar Mehta snatched mobile phone from Panna Lal Mehta and Santosh Kumar Mehta snatched a golden chain from the informant. It has also been submitted that the injured persons got medical treatment at subdivisional hospital and thereafter they referred to Sadar Hospital, supaul.</p> <p>6. At this juncture, it would be apposite to reproduce the following extracts of Bhadresh Bipinbhai Sheth Vs. State of Gujrat & Anr., (2016) 1 Supreme Court Cases 152: "(x) The following factors and parameters need to be taken into consideration while deaing with anticipatory bail:</p> <ol style="list-style-type: none">a) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;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;c) The possibility of the applicant to flee from justice;d) The possibility of the accused's likelihood to repeat similar or other offences;e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the
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as well as the statements of the witness shows that there is land dispute between the parties and the maarpit was committed from both sides and the case diary as produced did not show any of the weapons or firearms was recovered from the place of occurrence. In Para No.63 of the case diary it is shown that the accused of Birpur (Balua Bazar) PS Case No.407/25 were seen having firearms and the said case Bipur PS Case No.407/25 was instituted by the applicant accused Ramji Mehta. The petitioner carries no criminal antecedent except the petitioner namely, Krishna Kumar.

8. In view of the above submission and discussion and also considering the fact that there is land dispute between the parties as well as keeping in mind the injury report and also absence of criminal antecedent except Krishna Kumar, this court is inclined to **grant** the petitioner on anticipatory bail to the above named petitioners 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 co-operate in the trial.
3. The accused shall not, directly or indirectly contact or pressurize the complainant or any other witness.
4. 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.

Copy of the order be uploaded on NJDG.

Dictated and corrected


(Dev Raj)

D & A.S.J- V, Supaul

Date: 27.04.2026