

In the Court of Sessions Judge, Supaul

A.B.A.-630/2026 & ABA-683/2026

(Arising out of Kunauli PS Case No:-31/2026)

	<u>ABA-630/2026</u> Kundan Kumar Mehta @ Kundan Kumar, S/o- Satish Mehta, R/o- Kunauli, Ward No.17, PS- Kunauli, District- Supaul; Accused/Petitioner Vs. State of Bihar.O.P. <u>ABA-683/2026</u> Sonu Sharma, S/o- Late Sandeep Sharma, R/o- Kamalpur, Ward No.3, PS- Kunauli, District- Supaul; Accused/ petitioner Vs. State of BiharO.P	
<u>17/06/2026</u>	Ld. Counsel for petitioners Sri. Sanjay Kumar Singh and Shiv Bhushan Singh, Advocates. Ld. APP Md. Abu Jaffar, for the State. By this order we are going to dispose off two anticipatory bail applications i.e., ABA-630/2026 filed on behalf of accused/ petitioner, namely Kundan Kumar Mehta @ Kundan Kumar and ABA-683/2026 filed on behalf of accused/ petitioner, namely Sonu Sharma, who are apprehending their arrest. As both the anticipatory bail applications arises out of same police station i.e., Kunauli PS Case No.31/2026, u/s- 331(4), 305 of BNS. Ld. counsel for the accused/ petitioners argued that accused/ petitioners are quite innocent and have committed no offence and they have falsely been implicated in this case due to dirty village politics and enmity. They further submitted that accused/ petitioner Kundan Kumar Mehta @ Kundan Kumar is also involved in two more criminal cases. However, the accused/ petitioner Sonu Sharma has not involved in any other case and having the clean antecedent. They further submitted that the offence as alleged in FIR is not applicable against the accused/ petitioners. They further submits that there is considerable delay in filing of FIR from the date of alleged occurrence without giving any cogent reason. It is also submitted that both accused/ petitioners are ready to abide by the provisions of section 482 of B.N.S.S, so they may be admitted to the anticipatory bail. Ld. APP for the State strongly opposed the anticipatory bail application. In brief, the prosecution story is that on dated 01.04.2026, a written application was given by the informant namely Narayan Sharma to the police of PS Kunauli, stating therein that on 18.02.2026 he came from Mumbai at his	Contd.

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<u>Contd.</u> <u>17/06/2026</u>	ancestral house and returned back on 12.03.2026. The informant further alleged that on 26.03.2026 he received the information from his neighbour Binod Sharma on his mobile phone that the back side door of his house was broken and when that neighbour entered inside the house then he found that the lock of the house was also broken and the boxes as well as Almirah are also empty. The informant informed the SHO, Kunauli on the same day and his elder brother Bechan Sharma has given a written application to the police. The informant further alleged that on 31.03.2026 he reached at his ancestral house and checked the house and found that the original documents of the agricultural land and gold jewelries worth of Rs.5,03,000/- was missing. The informant has also given the description of the jewelries such as one gold bangle of 1 <i>Tola</i>, gold <i>Har</i> 2.5 <i>Tola</i>, gold bangle 2 <i>Tola</i>, gold <i>Har</i> 2.5 <i>tola</i>, gold <i>Karnful</i> 1.5 <i>tola</i>, gold ring 0.5 <i>tola</i> and 6 pieces nose-pin, total 12 <i>tola</i> worth of Rs.18 lakh. Besides this 4 utensils of brass and electric wire of 5 bundles were also missing. The informant further alleged that he has full apprehension that Sonu Sharma, Kundan Kumar Mehta and Sujit Sharma along with other persons have committed this crime. Argument heard from both sides and perused the case diary. On perusal of the case diary, it transpires that the police has also given the description of the place of occurrence and also recorded the statement of the witnesses namely Binod Sharma, Pushpa Kumari and Manju Devi. As per para No.27 of the case diary, the accused/ petitioner Kundan Kumar Mehta is also involved in two more cases. However, the accused/ petitioner Sonu Sharma is having the clean antecedent. The police has also given the call details of the mobile phone of the accused/ petitioners. On minute scrutiny of the entire case diary as well as <i>Fardbyan</i>, it transpires that as per the statement of the informant in huge quantity of golden jewelries wroth of Rs.23 lakh was stolen from his house. The informant has filed this case after the delay of about 6-7 days. It is also keeping in mind in huge quantity of golden jewelries inside the house, where no one is residing is inconceivable. Though the accused/ petitioner Kundan Kumar Metha is also involved in two more cases, but there is land dispute between the informant and the accused persons. Hence, keeping in mind all these facts and circumstances of the case, I find that both the accused/ petitioners are entitled to get the benefit of anticipatory bail. Therefore, the prayer for anticipatory bail of both accused/	Contd.
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petitioners stands **Allowed** and in the event of their arrest or surrender before the court within 15 days from the date of receipt of a copy of this order, petitioners are directed to be released on furnishing bail bonds of Rs.20,000/- each with two sureties of like amount each to the satisfaction of Learned Court below with condition that they shall abide by all the conditions laid down in section 482 of B.N.S.S and one of the bailor must be the family member or close relative. The accused/ petitioners are directed to join the investigation as and when required by the I.O, if they are not willingly to join the investigation, the prosecution is at liberty to file the application for cancellation of anticipatory bail application.

Dictated
-Sd-
(Anant Singh)
Sessions Judge, Supaul