

08/07/26	<u>In the Court of Additional Sessions Judge-II, Supaul</u> <u>B.A.-320/26</u> <u>(Arising out of Supaul P.S. Case No.- 262/26)</u> (1) Hira Kunwar, Aged about-62 years, S/o- Late Jaidav Kunwar. (2) Chandan Kunwar, Aged about-40 years, S/o- Hira Kunwar. All residents- Brahmpur, P.S.- Supaul, Distt- Supaul.....Petitioners Versus State of BiharOpposite Party A regular bail petition filed on behalf of petitioners, namely Hira Kunwar and Chandan Kunwar, who are in custody since 16-04-26 in connection with Supaul P.S. Case No. 262/26, registered u/s 126 (2), 115(2), 352, 351(2), 109(1), 3(5) of BNS, is fixed today for hearing Heard Sri Sanjay Kumar Singh, learned Counsel for petitioners and Mr. Md. Abu Jafar, learned APP for the State. Prosecution case as per the FIR lodged by informant Pinki Devi, in brief, is that on dated 04-04-26 at 4:00 PM her father was getting done construction work at her house with three labourers and also her brother-in-law came there with construction materials. It is further alleged that altogether five accused persons including the petitioners armed with deadly weapons such as iron rod, bamboo's lathi entered into the premises of the informant and forcibly stopped construction work and also started abusing her. It is further alleged that when the informant prevented to do so, then, accused persons, namely Poonam Devi and Rakhi Devi, caught hold her hairs and thrashed her on the ground and also started assaulting her by means of kicks and fists. When informant's father Vishundeo Singh came to rescue her, then, on the orders of the accused Hira Kunwar, the accused Chandan Kunwar assaulted him over head and above left eye by means of iron rod and accused Suman Kunwar assaulted over his left shoulder by means of bamboo-shot. It is further alleged that the informant's brother-in-law Pawan Kumar Singh went to rescue her father, then, he was indiscriminately assaulted by Chandan Kunwar and Suman Kunwar by means of iron rod and bamboo-shot respectively, causing injuries in the back-side of his head, fractures in both his hands and other injuries on shoulders, right leg and other body parts. It is further alleged that during the course of occurrence the accused Chandan Kunwar assaulted Kamleshwari Yadav with iron rod due to which his right leg fractured. Thereafter, other labourers fled away from fear and when villagers assembled there, all accused persons named in the FIR also fled away. It is further alleged that Vishundeo Singh and Kamleshwari Yadav were brought to the Sadar Hospital, where they got medical treatment and Pawan Kumar Singh was referred for the treatment by specialist Doctor. It is further alleged that accused Suman Kunwar went to jail in excise case and murder case, which are also pending in the Civil Court of Supaul. Learned counsel for petitioners has submitted that the petitioners are quite innocent and have not committed any offence and have been falsely implicated in this case due to land dispute and enmity. It is also submitted that the Ld. Court below had rejected the bail application of accused persons vide order dated 23-04-26 and no other bail application on	Contd.
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behalf of petitioners has been filed in any court save and except this one. It is further submitted that the accused persons have no criminal antecedent and they are in custody since 16-04-26. It is also submitted that the allegation of offence u/s 109(1) of BNS is not made out against the accused persons. Ld. Counsel for petitioners submits that accused petitioners are ready to furnish bail bond of any amount to the satisfaction of this Court and accordingly, Ld. Defence Counsel has sought for the release of the petitioners on bail.

Learned APP opposes the Regular bail prayer of the petitioners and prays for rejection of the same.

Perused the record including LCR, FIR and Case diary. Allegedly the case pertains to assault of family members of the informant by accused persons including the petitioners. It is evident that accused petitioners are named in the FIR and informant in her re-statement, contained in para 2 of the case diary, while other witnesses in their respective statements, contained in para 3 and 8 of the case diary, have supported the factum of occurrence and involvement of petitioners therein. Injury reports of victims Vishundeo Singh and Pawan Kumar Singh are contained in para 60 of the case diary. It has been shown that the victim Vishundeo Singh sustained two injuries over his scalp and near his right eye respectively, which are vital parts of body. The victim Pawan Kumar Singh has sustained altogether three injuries over head and both hands which have been shown to be grievous in nature. The injury report of another victim Kamleshwari Yadav has been submitted in course of hearing of bail application which reflects that he sustained fracture in his right leg which was shown to be grievous in nature. The accused petitioners are said to have been involved in causing aforesaid injuries to the victims. Though, Para 34 of the case diary reflects that accused petitioners are of clean antecedents, but investigation is still continuing in the case.

In view of aforesaid discussions and considering the injury report of the victims cause on vital part, at this juncture, I am not inclined to enlarge the petitioners on bail. Accordingly, instant prayer for regular bail of petitioners, namely **Hira Kunwar** and **Chandan Kunwar** stands **Rejected**.

Dictated

(RAKESH KUMAR-III)
ADDITIONAL SESSIONS JUDGE-II
SUPAUL