

In the Court of Sessions Judge, Vaishali
A.B.P. No. 1235/2026

1. Sanjay Kumar, aged about 27 years S/o Haresh Rai,
 2. Haresh Rai, aged about 63 years S/o Yogendra Rai,
 3. Kushmi Devi, aged about 59 years W/o Haresh Rai,
 4. Anil Kumar, aged about 31 years S/o Haresh Rai,
- All residents of village –Dighi Kala, P.S.- Hajipur Sadar, District – Vaishali.

Verses		Petitioners
State of Bihar		O.P.
Appearance :-		
Learned counsel for the petitioners		: - Mr. Mithilesh Pratap Singh, advocate.
Learned P.P. for the State		: - Sri Shyam Babu Rai,
Present :		Harshit Singh, Sessions Judge, Vaishali.

Date of order : 13th. May 2026

Heard the learned defence counsel as well as learned Public Prosecutor on the anticipatory bail application filed on behalf of the above named accused petitioners under section 482 of B.N.S.S. who are apprehending their arrest in connection with Hajipur Sadar P.S. Case No. 514/2023 for the offences u/ss. 307, 341, 323, 324, 504 & 427/34 I.P.C..

It is stated in Para 2 of the bail petition that earlier no bail application either anticipatory or regular has been filed on behalf of the petitioners before this court of sessions or before the Hon'ble High Court, Patna except the anticipatory bail petition i.e. A.B.P. No. 2230/2023, which was rejected by this court on 12.09.2023. .

The case of the prosecution in brief, as per fardbayan of informant Shankar Rai is that on 30.06.2023 at 8.30 A.M. all the accused petitioners who are named in the F.I.R. came and started abusing the informant and broke the door with lathi. The informant gave information to the police who came and thereafter the accused petitioners fled away. It is further alleged that in the evening at 4.30 P.M. all the accused petitioners again came abusing and entered in to the informant's house and

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started damaging the house hold articles. It is further alleged that accused petitioner Hareh Rai caught hold the hair of informant's wife and pushed her on the ground and started dragging her and also tore her clothes. When the informant went to save his wife, accused Sanjay Rai assaulted him with Hasua on his head causing cut injury and blood started oozing out. It is further alleged that accused Kushmi Devi snatched Jitiya of gold from the neck of informant's wife worth Rs.45,000/-. Accused Anil Kumar took away bag from the house.

The learned counsel for the above named accused petitioners submits that the accused petitioners are innocent and have committed no offence and have falsely been implicated in this case. The prosecution case is false and concocted. No occurrence as alleged took place. The police after investigation, submitted charge-sheet only against accused petitioners Hareh Rai and Anil Kumar u/ss. 341, 323,324, 504 &427/34 I.P.C. and exonerated the petitioners Kushmi Devi and Sanjay Kumar from the case. During investigation, petitioners Hareh Rai and Anil Kumar were given privilege of section 41(1) Cr. P.C./35(3) B.N.S.S.. But the learned trial court has taken cognizance u/ss. 307,341, 323, 324, 504, 427/34 I.P.C. The accused petitioners have criminal antecedents of nine other criminal cases. On these basis, a prayer has been made to allow this anticipatory bail petition.

The learned Public Prosecutor for the State opposed the prayer for anticipatory bail.

Heard both the parties and perused the trial court record and the case diary also. From perusal of the trial court record and the case diary, it transpires that the accused petitioners are named accused of the F.I.R. and there is allegation against them of assaulting the informant with Hasua on his head causing cut injury and they also outraged the modesty of the informant's wife. The allegation of snatching Jitiya of gold from the neck of informant's wife and the allegation of taking away bag from the house are against the accused petitioner Kushmi Devi and accused petitioner Anil Kumar respectively.

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The injury report and supplementary injury report of the injured Shankar Ray mentioned in Para 15 & 19 of the case diary shows that he has **sustained** :

1. 1.5" long x 1/4" Broad x bone deep,
2. 1/2" long x 1/2" Broad swelling over right forehead.

The said injuries are simple in nature, caused by hard and blunt object.

From the trial court record and the case diary, it transpires that charge-sheet has been submitted against the petitioners Haresh Rai and Anil Kumar for the offences u/ss. 341, 323, 324, 504, 427/34 I.P.C. and exonerated the petitioners Sanjay Kumar and Kusumi Devi. But the the learned trial court has taken cognizance against all the petitioners for the offences u/ss. 307,341, 323, 324, 504, 427/34 I.P.C. vide order dated 28.08.2025. It further appears that during investigation, the petitioners Haresh Rai and Anil Kumar were given privilege of section 41(1) Cr. P.C./35(3) B.N.S.S. by the I.O.

Therefore, considering the aforesaid facts and circumstances of the case, as well as nature of allegations, the prayer for anticipatory bail of the above named accused petitioners, is hereby, allowed and it is ordered that in the event of arrest or surrender, they will be enlarged on anticipatory bail, on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned court below, within four weeks of this order, subject to the conditions as laid down under section 482(2) of the Bhartiya Nagrik Suraksha Sanhita 2023.

(Dictated)

(Harshit Singh)
Sessions Judge, Vaishali

Date of Order	13.05.2026
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