

In the Court of Sessions Judge, Vaishali
A.B.P. No. 1139/2026

1. Bipin Kumar, aged about 27 years S/o Bhukhal Rai,
 2. Mantu Kumar, aged about 29 years S/o Bhukhal Rai
- Residents of village – Sarmastpur, P.S. - Mahnar, Distt. - Vaishali.

Verses	-	Petitioners
State of Bihar	-	O.P.

Appearance :-

Learned counsel for the petitioners : - Sri Ram Snehi Mishra, advocate.
Learned P.P. for the State : - Sri Shyam Babu Rai,

Present : Harshit Singh,
Sessions Judge, Vaishali.

Date of order : 17th.June 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 Mahnar P.S. Case No. 85/2026 registered u/ss. 126(2), 115(2), 117(2), 109, 352, 351(2) & 3(5) of B.N.S.

It is stated in Para 2 of the anticipatory bail petition that no bail application either anticipatory or regular has been filed in the present case either before this court of Sessions or before the Hon'ble High Court, Patna.

The prosecution case in brief, as per fardbayan of the informant Shiv Prasad Rai is that on 26.02.2026 at about 7 P.M. in the evening when he was returning to his home from motorcycle and when he reached near Ashok School of Science Pvt. School, **accused Bipin Kumar, driver of a tractor, (petitioner no.1)** knowingly with intention to kill dashed him with the tractor, due to which he fell down with motorcycle behind the tree on the road side with bleeding. **Bipin Kumar (petitioner no.1)** again wanted to crush him with his tractor with intention to kill him but he escaped because he was behind the tree. His brother Mantu Kumar

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(petitioner no.2) was also on the tractor. He did not see the registration number of tractor. His knee of right leg became damaged. Bipin Kumar fled away with the tractor. The villagers got him admitted in the Jandaha Primary Health Centre, from where he was referred to Sadar Hospital, Hajipur for better treatment

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. The entire prosecution case is false and concocted. They have been falsely implicated in this case due to Pattidari dispute. A Title Suit No. 982/2019 is pending in the court of learned Sub-Judge, Mahnar, Vaishali, which was filed by the father of petitioners namely Bhukhal Rai, in which the present informant is the defendant no.2. The informant and father of the petitioners are own brothers and there is land dispute between them. No case u/s 109 B.N.S. is made out against the petitioners. The petitioner no. 1 has criminal antecedent of one other criminal case and petitioner no.2 has no criminal antecedent. Hence, prayer has been made for anticipatory bail.

Learned Public prosecutor opposed the prayer for anticipatory bail.

Heard the parties and also perused the record and case diary written up to Para 39 dated 09.06.2026. From perusal of the record and case diary as well as materials available on record, it appears that there is allegation against the petitioner no.1 Bipin Kumar, who was driving the tractor to dash the informant's motorcycle with tractor knowingly with intent to kill, due to which the informant became injured. Petitioner no.2 namely Mantu Kumar was on the said tractor.

From the record, it transpires that both parties are pattidars and there is land dispute between them. A Title Suit No. 982/2019 is going on in the court of learned Sub-Judge, Mahnar, Vaishali, which was filed by the father of petitioners namely Bhukhal Rai, in which the present informant is the defendant

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no.2. There is only allegation against the petitioner no.2 Mantu Kumar that he was only on the tractor, by which the informant was dashed and informant became injured. No specific overt-act has been attributed against him apart from his presence.

Therefore, considering the aforesaid facts and circumstances of the case as well as nature of the allegations, the prayer for anticipatory bail of the accused petitioner no. 2 namely Mantu Kumar is hereby allowed and it is ordered that in the event of arrest or surrender, he 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.

So far, petitioner no.1 namely Bipin Kumar is concerned, as per F.I.R. there is specific and direct allegation against him that he was driving the tractor and he deliberately dashed the informant's motorcycle with intent to kill the informant, due to which the informant sustained injuries. The informant in his re-statement in Para 4 and other witnesses namely Pramod Rai, Sunil Kumar, Renu Devi in their statements in Para 6, 7 & 8 of the case diary have supported the prosecution case. The injury report mentioned in Para 39 of the case diary shows that -

injured Shiv Prasad Rai has sustained :

1. Headache,
2. Right shoulder pain,
3. Abrasion on right leg foot 1" x 1/2",
4. Scratched mark on right knee,

5. Supplementary report – 1. CT Scan in brain report by Undisplaced Fracture is noted of the nasal septum so that injury is **Grievous**.

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6. Supplementary Report – 2. X-ray of right shoulder joint report by normal study, so injury is simple .

The doctor has found the injury grievous in nature caused by hard and blunt substance.

Therefore, considering the aforesaid facts, circumstances of the case as well as nature of the allegations, I am not inclined to enlarge the petitioner no.1 namely Bipin Kumar on bail. Accordingly, his prayer for regular bail is rejected.

(Dictated)

(Harshit Singh)
Sessions Judge, Vaishali

Date of Order	17.06.2026
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