

IN THE COURT OF SESSIONS JUDGE, CAMP COURT
WEST CHAMPARAN AT BAGAHA
A.B.P. No- 116/2026
Arising out of Patkhauli P.S. Case No. 164/2025

1. **Prem Narayan Mishra** S/o- Ramkishun Mishra, aged about 46 years,

2. **Mamta Mishra** W/o Prem Narayan Mishra, aged about 39 years,

3. **Sudhir Sharma @ Sudhir Kumar Sharma** S/o Shrikant Sharma aged about 37 years,

4. **Shrikant Lohar** S/o Late Rajbali Lohar, aged about 71 years,

All are R/o-Vill- Nauka Tola, Dumwalia ward no. 09, P.S. Patkhauli, District- West Champaran

.....Petitioners

Versus
State of Bihar

On behalf of the petitioners----Ld. Counsel, Sri Ajay Kumar

On behalf of the State ----- Ld. P.P. Sri Prabhu Prasad (Ld. P.P.-I/C)

04-04-2026

1. This anticipatory bail petition has been filed on behalf of above named petitioners, apprehending arrest in connection with **Patkhaulia P.S. Case No.- 164/2025, Tr. No. 2125/2025** for the offences punishable under section- 126(2), 115(2), 109(1), 352, 351(2), 3(5) of BNS.

Prosecution case

2. The prosecution story in brief is that 10.07.2025 at around 7:00 P.M. informant was sitting on his door. Meanwhile named accused persons armed with lathi, danda and farsa came at the door of the informant Dilip Kumar Singh and started to abuse. When informant raised objection, Prem Narayan became angry and on his order Sudhir Sharma attacked informant by iron rod on his head, Prem Narayan Mishra injured and fractured informant's left leg by iron rod and Shrikant Sharma assaulted him by lathi, when younger brother of the informant came for rescue, Prem Narayan Mishra gave farsa blow but he narrowly escaped. Then Prem Narayan Mishra hit on the informant's head with the sharp weapon causing heavy bleeding and the informant fell unconscious. Mamta Mishra snatched a gold chain worth Rs. 35,000/- from the informant and she also took 11,500/- rupees from the pocket of the younger brother. When nearby people gathered, the accused fled away while threatening

P.O.- Anamika T., Sessions Judge, West Champaran, at Bagaha, Camp Court.

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Continued them. The informant and his younger brother were treated at
04-04-2026 Anumandal Hospital Bagaha.

Submissions of petitioners

3. Learned counsel for the petitioners submitted that earlier no anticipatory bail petition has been filed on behalf of the petitioner either before this court or Hon'ble High Court Patna. The petitioners have no criminal antecedent. The petitioners are quite innocent and have committed no offence. The entire prosecution story is completely false, fabricated and baseless. During investigation, based on the inquiry report and statements of witness, the police released the accused on bond and submitted a charge sheet under section 126(2), 115(2), 352, 351(2), 3(5) of BNS. The trial court took cognizance under section 109(1) of BNS without proper justification, due to which the accused had to file an application of anticipatory bail. Accused no. 1 is a government teacher, accused no. 4 is about 71 year, old elderly and ill person and accused no. 2 is a woman. From FIR, charge sheet, injury report and case diary, it is clear that taking cognizance under section 109(1) of BNS is not legally justified. On these grounds prayed for privilege of anticipatory bail.

Submission of State

4. Learned P.P. has vehemently opposed the prayer of anticipatory bail.

Discussion

5. Heard and perused the record. During the course of investigation the accused were given the benefit of section 35(3) of BNSS and they have fully cooperated in the investigation, which is now complete. Para 35 of the case diary records that injuries of Dilip Kumar Singh and Deepak Kumar Singh are simple in nature caused by hard and blunt object and there is no repetition of blow. No criminal antecedents have been recorded against the present petitioners as per para 16 of the case diary. Petitioner no. 1 is government teacher, petitioner no. 2 is a woman and petitioner no. 4 is over 70 years of age. There is also case filed by petitioner no. 2 against the informant

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Continued vide Patkhauri P.S. Case No. 179/2025.
04-04-2026

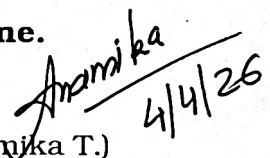
6. Having regard to the nature of the injuries caused, clean antecedent and cases pending between the parties, a case for grant of anticipatory bail is made out.

Result

7. Accordingly this anticipatory bail petition filed by above named petitioner is hereby **Allowed**. In the event of arrest or surrender of the petitioners within **30 days** from the date of communication of this order, the petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Court in seisin with **following condition**:

- (i) One of the bailor shall be close relative of the petitioner.
- (ii) Both the bailors shall provide their contact details- Mobile number/ Whatsapp number, e-mail id (if available) **with an undertaking on affidavit** that these contact details shall not be changed till disposal of this case.
- (iii) If any of the conditions are violated or facts stated in bail application are found false, the bail bonds of the petitioner shall be cancelled.

This order is dictated and corrected by me.


(Anamika T.)
Sessions Judge
West Champaran, Bagaha Camp Court
04-04-2026

Date of Order	04-04-2026
Date of Reserving Order	04-04-2026
Uploading Date	...04-2026
Upoaded by	Suraj Singh Yadav, Stenographer, DJ Court