

In the court of District & Addl. Sessions Judge 1st, Bagaha, West Champaran.
Bail Petition No.349/2026
Registration No.-349/2026
(Arising out of Bagaha P.S. Case No.-45/2026)

1.Banarasi Kushwaha, age-70 years, s/o-Late Sunar Kushwaha, r/o. Village-Dindayal Nagar, Ward No.27, Bagaha, P.S.-Bagaha, District-West Champaran.....Petitioner
vs
State of Bihar.....Opposite Party

ORDER

01.04.2026

A bail application earlier filed on behalf of accused-petitioner, namely Banarasi Kushwaha, who is in judicial custody since 13.02.2026 in connection with Bagaha P.S. Case No. 45/2026, registered under Sections 103, 191(2), 190, 126(2), 115(2), 109, 74, 303(2), 351(2), and 352 of the Bharatiya Nyaya Sanhita, pending before the Court of A.C.J.M.-I, Bagaha, has been pressed today. A copy of the same has been served upon the learned Public Prosecutor. The case diary is available on record.

Sri Kamran Aziz, learned counsel appearing on behalf of the petitioner, and Sri Prabhu Prasad, learned P.P. In-charge for the State, are present before the Court.

The prosecution case, in brief, as narrated in the written application of the informant, Devanti Devi, is that on 08.02.2026 at about 03:00 p.m., the accused persons named in the FIR, who are also her agnates, came to her house armed with iron rods, lohband, and other weapons in connection with previous enmity. They started abusing the informant and her family members and threatened to kill them. When the informant forbade them, Banarasi Kushwaha allegedly instigated others, whereupon Sanjay Kushwaha caught her hair, thrashed her on the ground, and all the accused persons assaulted her with fists and kicks. It is further alleged that Jalandhar Kushwaha assaulted her with a spade with the intention to kill, and Sanjay Kushwaha struck her face with a *katta* (sharp metal cutting object), causing injuries. Sanjay Kushwaha also snatched her gold *mangalsutra* worth Rs. 15,000/-. Jalandhar Kushwaha allegedly tore her garment with ill intention and pressed her neck to kill her. It is further alleged that when her husband, Dhruv Kushwaha, and son, Vivek Kushwaha, came to rescue her, the accused persons assaulted them with iron rods and other weapons. Sanjay Kushwaha allegedly struck Dhruv Kushwaha on the head with a spade, causing severe

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injury. It is further alleged that Sanjay Kushwaha's wife and Banarasi Kushwaha's wife caught hold of Vivek Kushwaha, and Jalandhar Kushwaha assaulted him on the head with an iron rod, causing injury. On hearing the hue and cry, local people gathered, and the accused fled after threatening to kill the informant and her family. The injured were taken to Bagaha Sub-Divisional Hospital and later referred to District Hospital, Bettiah, where Dhruv Kushwaha succumbed to his injuries during treatment.

On behalf of the petitioner, it has been submitted that he is innocent and has been falsely implicated due to previous enmity, as admitted in the FIR. There is case and counter-case between the parties. The petitioner is an old-aged senior citizen with no criminal antecedents. The allegation against him is only that he instigated Sanjay Kushwaha to assault the informant, whose injury has been opined to be simple, caused by a hard and blunt object. There is no allegation that the petitioner assaulted the deceased or instigated others to do so. The petitioner has been in custody since 13.02.2026. Hence, he may be allowed on bail.

On the other hand, the learned P.P. has vehemently opposed the prayer, submitting that the petitioner, along with other co-accused, armed with deadly weapons, arrived at the informant's house. The allegation against the petitioner is that he ordered the other accused persons to assault the informant, which led to her being assaulted by Sanjay Kushwaha and others. The informant's injury is simple, caused by a hard and blunt object. Dhruv Kushwaha, husband of the informant, was assaulted by Sanjay Kushwaha, causing head injury, and died during treatment. In view of nature and gravity of the offence, the petitioner does not deserve bail.

Having heard the parties and perused the case diary, it transpires that there is previous enmity between the parties, as admitted in the FIR, and there is case and counter-case. The allegation against the petitioner is that he ordered the other accused persons to assault the informant. The injury of informant is simple, caused by a hard and blunt object. There is no allegation that petitioner assaulted the deceased; rather, the allegation is that another accused, namely Sanjay Kushwaha, assaulted the informant's

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husband, causing head injury. The petitioner is an old-aged person with clean antecedents and has been in custody since 13.02.2026.

Considering the aforesaid facts, Age of the petitioner and circumstances of the case, the materials available on record, and the custody tenure, the petitioner namely Banarasi Kushwaha is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, with the further condition that one of the bailors shall be a close relative of the petitioner.

(Dictated & corrected)

(Manish Dwivedi)
District & Addl. Sessions Judge 1st

Date of order	01.04.2026
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