

In the court of District & Addl. Sessions Judge 1st, Bagaha, West Champaran.

Anticipatory Bail Petition No. 200/2026

Registration No.-200/2026

(Arising out of Bagaha P.S.Case No. -46/2026)

**1.Dewanti Devi, w/o-Late Dhruv Kushwaha**

**2.Abhishek Kumar, s/o-Late Dhruv Kushwaha**

**3.Vivek Kumar, s/o-Late Dhruv Kushwaha**

**4.Omprakash Kushwaha, s/o-Late Bindeshwari Kushwaha**

**5.Ajay Kushwaha, s/o-Omprakash Kushwaha**

**6.Champa Devi, w/o-Omprakash Kushwaha**

**all r/o Dindayal Nagar ward no.27, P.S-Bagaha, District-West Champaran.....Petitioners**

vs

**State of Bihar.....Opposite Party**

**05.05.2026** Petitioners 1.Dewanti Devi 2.Abhishek Kumar 3.Vivek Kumar 4.Omprakash Kushwaha 5.Ajay Kushwaha 6.Champa Devi apprehend their arrest in connection with Bagaha P.S.Case No. 46/2026 registered u/s-191(2),190,126(2),115(2),117(2),109,303(2),352,351(2) BNS pending in the learned Court of the ACJM-I Bagaha and have filed the present anticipatory bail petition which has been pressed today. Copy of the same has been served to the learned P.P In-charge for the state. Case diary is available on record.

Sri Jitendra Kumar Rao, learned Counsel for the petitioners and Sri Prabhu Prasad, learned P.P.In-charge for State are present before the Court.

The prosecution case in brief as narrated in the written application of informant Radheshyam Kumar is that he parked his motorcycle beside the road and began his construction of his house in the meantime Dhruv Kushwaha came there and abused him for parking his motorcycle on the road. On objection raised by the informant, all the accused persons named in FIR armed heavily arrived there on call of Dhruv Kushwaha. It has been stated that Dhruv Kushwaha instigated co-accused persons to kill the informant and assaulted Sanjay Kushwaha by means of steel rod causing fracture of his right shoulder and finger of left hand and also causing injury on head due to which he became unconscious and fell down on the ground. When informant and his family members came to rescue Sanjay Kushwaha, Dewanti Devi assaulted the informant by means of steel rod causing injury on his hand and head. It has been further stated that Omprakash Kushwaha assaulted Narwada Devi causing injury on her hand and head due to which blood oozed and she fell down on the ground. Allegedly Champa Devi took out Mangalsutra of Narwada Devi in course of assault. Further it has been stated that Abhishek Kumar, Ajay Kumar and Vivek Kumar assaulted Ashish Kumar. Informant and other injured persons were rescued by the local people. Lastly accused persons also threatened to kill the informant and others case is filed against them. On the basis of application of informant, present case was registered.

It has been submitted on behalf of the petitioners that they are quite innocent and have committed no offence as alleged against them and have been falsely implicated in this case. Earlier no other bail application on behalf of the petitioners has been filed either before this court or any superior court. Petitioners have got no criminal antecedent. There is no specific allegation of assault against the petitioners excepting petitioner no.1.Dewanti Devi and 4.Omprakash Kushwaha. Petitioner no.1 is female and she has no role in the alleged occurrence. It has been also submitted that there is specific allegation of assault against the co-accused Dhruv Kushwaha who has already been died due to the assault of the

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**05.05.2026** informant side for which Bagaha P.S.Case No.45/2026 has been filed against the informant and others. It has been further submitted that in course of investigation, case was not found true u/s-109 BNS and petitioners were given benefit of section 35 BNSS. Offences leveled against the petitioners are not applicable. Hence, they may kindly be granted anticipatory bail.

On the other hand learned P.P In-charge for state vehemently opposed the prayer for bail of the petitioners and submitted that informant with three other persons have sustained injuries in the assault of the accused persons. Opinion regarding nature of injury of the injured Narwada Devi, Radheshyam Kumar and Sanjay Kumar are kept reserved. There is specific allegation of assault against the petitioner Dewanti Devi and Omprakash Kushwaha. In view of above, petitioners do not deserve anticipatory bail.

Heard the parties and perused the case diary and injury report. There is case and counter case between the parties. Final injury report has not been produced by the learned PP In-charge despite direction on last date. As per petition filed on behalf of the petitioners, offence u/s-109 BNS was not found true in course of investigation and petitioners were given benefit of section 35 BNSS.

Considering the facts and circumstances of the case and material available on record as discussed above, petitioners in event of their arrest or surrender before the learned Court below within a period of one month from the date of receipt/production of a copy of this order, are directed to be released on bail **provisionally till submission of charge sheet** on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below subject to the conditions as laid down u/s-438(2) Cr.P.C.

**Bail of the petitioners shall be confirmed by the learned Court below after analysing the offences as mentioned in charge-sheet.**

(Dictated & Corrected)

(Ravi Ranjan)  
I/c District & Addl. Sessions Judge 1st

Date of Judgment/Order	05.05.2026
Date of Reserving Judgment/Order	05.05.2026
Uploading Date	06.05.2026
Uploaded by	Kamlesh Kumar(O.C)

