IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75551 of 2026

CNR No. BRHC011074852026

Arising Out of PS. Case No.-191 Year-2026 Thana- KUSHESHWARASTHAN District-Darbhanga

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1. Kailash Kunwar @ Kailash Kumar S/o Late Guneshwar Kunwar R/o Village- Mahari, Ps- Kusheshwar Sthan, Dist- Darbhanga
2. Lalan Singh @ Sri Lal Kunwar @ Lal Kunwar S/o Late Guneshwar Kunwar R/o Village- Mahari, Ps- Kusheshwar Sthan, Dist- Darbhanga
3. Amar Kunwar S/o Late Hare Krishna kunwar R/o Village- Mahari, Ps- Kusheshwar Sthan, Dist- Darbhanga
4. Kamni Devi W/o Munna Kunwar R/o Village- Mahari, Ps- Kusheshwar Sthan, Dist- Darbhanga
5. Manish Singh @ Manish Kunwar @ Manish KUmar S/o Kailash Kunwar R/o Village- Mahari, Ps- Kusheshwar Sthan, Dist- Darbhanga

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Baidyanath Prasad, Adv.
For the Opposite Party/s : Ms. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Kusheshwar Sthan P.S. Case No. 191 of 2026 dated 01.07.2026 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 76, 109(1), 352, 351(2) and 3(5) of the B.N.S.

3. As per the prosecution case, on 28.06.2026 at about 06:45 P.M., while the informant was present at her house,

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petitioner no. 2 allegedly entered into the house and started molesting her. In the course of the alleged occurrence, he is stated to have thrown her to the ground, as a result of which, she became semi-naked. When her family members intervened to rescue her, petitioner nos. 4 and 5, along with other co-accused persons, armed with various weapons entered into the house, and assaulted the informant as well as her mother. When a villager, namely, Vinod Kunwar, came to their rescue, he too was assaulted by petitioner no. 4, Kamini Devi. He was taken to the Government Hospital and was subsequently referred to a higher centre for better treatment.

4. Learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case. It has further been submitted that a counter-case arising out of the same occurrence was instituted by petitioner no. 3 against the prosecution party for the offences punishable under Section 109(1) and other ancillary Sections of the Bharatiya Nyaya Sanhita (B.N.S.). In the counter-version, petitioner no. 3 has stated that the genesis of the occurrence is a land dispute between the parties, who are agnates. It has further been submitted therein that the prosecution party, armed with various lethal weapons, assaulted petitioner no. 3 as well as other

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persons on the petitioners' side.

4.1. Learned counsel for the petitioner has further submitted that Vinod Kunwar, who is alleged to have sustained injuries in the present occurrence at the hands of petitioner no. 4, was himself a participant in the occurrence, sharing a common intention with the prosecution party and being a member of the unlawful assembly. It has also been alleged in the counter-version that the said Vinod Kunwar assaulted the cousin brothers of petitioner no. 3. It has further been submitted that there was a free fight between the parties and the prosecution party were the aggressors, causing injuries to several persons on the petitioners' side.

4.2. It has further been submitted that petitioner no. 4, a lady, has been specifically alleged to have assaulted Vinod Kunwar, although no particular weapon has been attributed to her for the alleged assault. Learned counsel has also submitted that the allegations against the remaining petitioners are general and omnibus in nature. Referring to the injury report of Vinod Kunwar, it has been submitted that the injury sustained on his head was simple in nature, whereas the injury to his mandible was found to be grievous. It has lastly been submitted that no injury reports of the informant or her mother have been brought

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on record and the allegation of molestation appears to be super addition. It has lastly been submitted that petitioners have got clean antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Heard the parties and perused the record.

7. Considering the facts and circumstances of the case as well as the genesis of the occurrence, case and counter case between the parties being under Section 109(1) of the B.N.S. as also the injury report, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Biraul, in connection with Kusheshwar Sthan P.S. Case No. 191 of 2026, subject to conditions as laid down under section 482(2) of the B.N.S.S.

8. The application stands allowed.

(Praveen Kumar, J)

Ankit Kumar/-

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