

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3587 of 2025

Arising Out of PS. Case No.-139 Year-2024 Thana- GAMAHAIRIYA District- Madhepura

1. Kapildeo Yadav S/o- Late Nakechhedi Yadav @ Late Nakchhedi Yadav Resident of village- Gamhariya (Gamharia) ward no. 10 P.S.-Gamhariya (Gamharia), District-Madhepura.
2. Jagdish Yadav S/o- Nakchhedi Yadav @ Late Nakechhedi Yadav Resident of village- Gamhariya (Gamharia) ward no. 10 P.S.-Gamhariya (Gamharia), District-Madhepura.
3. Ashish Kumar S/o- Jagdish Yadav Resident of village- Gamhariya (Gamharia) ward no. 10 P.S.-Gamhariya (Gamharia), District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar
For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 04-03-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Gamhariya (Gamharia) Police Station Case No. 139 of 2024, dated 27.07.2024, disclosing offences punishable under Sections 126(2)/115(2)/109/352(2)/351(2)/3/3(5) of the Bhartiya Nyaya Sanhita, 2023.
3. The prosecution case, as per the First Information Report, is that on 27.07.2024, the informant, along with his brother, sister-in-law and son, arrived at his land, which was purchased by him by virtue of sale deed and saw that



the petitioners, along with other accused person, were ploughing the land. On objection, the petitioner no. 1 assaulted the informant's brother, namely, Deep Narayan Yadav, by means of spade and the petitioner no. 3 assaulted the informant by means of lathi.

4. Learned Counsel for the petitioners submits that there is land dispute between the parties and both are agnates. A counter case, bearing Gamhariya (Gamharia) Police Station Case No. 138 of 2024, which is prior in time to the present First Information Report, has been lodged by the petitioner no. 1 against the informant and others. Referring to the injury reports, learned Counsel submits that the injuries sustained by the informant's brother, Deep Narayan Yadav, are grievous in nature, however, the injury sustained by the informant is simple in nature and is attributable to petitioner no. 3. There is no specific allegation against the petitioner no. 2.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that no overt act is alleged against the petitioner no. 2 and the injuries caused to the informant, which is attributable to petitioner no. 3 is simple in nature, I am inclined to grant



the petitioner nos. 2 and 3 privilege of anticipatory bail.

6. This application, so far as petitioner nos. 2 and 3 are concerned is, allowed.
7. Let the petitioner nos. 2 and 3, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 6th Additional Chief Judicial Magistrate, Madhepura, in connection with Gamhariya (Gamharia) Police Station Case No. 139 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.
8. So far as petitioner no. 1 is concerned, he is alleged to have assaulted the informant's brother, due to which he sustained grievous injuries, I am not inclined to grant him privilege of anticipatory bail.
9. This application, so far as petitioner no. 1 is concerned, is dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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