

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7237 of 2025

Arising Out of PS. Case No.-309 Year-2024 Thana- BARHARA District- Bhojpur

1. Dharmvir Rai @ Dhramvir Yadav S/o Dayanand Yadav Resident of Village - Barhara, P.S- Barhara, Distt.- Bhojpur
2. Balbir Rai @ Balvir Yadav S/o Dayanand Yadav Resident of Village - Barhara, P.S- Barhara, Distt.- Bhojpur
3. Manbir Rai @ Manvir Yadav S/o Dayanand Yadav Resident of Village - Barhara, P.S- Barhara, Distt.- Bhojpur
4. Dayanand Rai @ Dayanand Yadav S/o Guru Charan Rai Resident of Village - Barhara, P.S- Barhara, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-02-2025 Heard Learned Counsel for the petitioners and

Learned APP for the State.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehend their arrest in connection with Barhara P.S. Case No. 309 of 2024 lodged on 21.10.2024, for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.



3. As per the prosecution, FIR has been lodged against the four named persons (present petitioners) against whom there is allegation that they have assaulted the informant with knife due to which injury took place.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that there is specific allegation against the petitioner No.3 of assault and against other accused persons, general and omnibus allegation are there. He further submits that petitioners and informant are resident of same village and they are well known to each other. He further submits that on the day, the panchayati was going on and dispute has arisen between them.

5. Counsel submits that the criminal antecedent of the petitioners are clean.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there is specific allegation against the petitioner No.3, namely, Manbir Rai.

7. As such, in the present facts and circumstances of this case, let the above named petitioner Nos.1, 2 and 4, namely, Dharmvir Rai, Balbir Rai and Dayanand Rai, be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on



furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Bhojpur at Ara in connection with Barhara P.S. Case No. 309 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

8. It is made clear that at the time of surrender before the trial court, the petitioner Nos.1, 2 and 4 shall furnish an undertaking in the form of a bond, indicating therein that they will not create any situation in the future that may disturb the peace and tranquility of the informant.

9. So far as the petitioner No.3, namely, Manbir Rai, is concerned, this Court is not inclined to grant anticipatory bail to the petitioner No.3, therefore the bail application of the petitioner No.3 is hereby rejected.

(Dr. Anshuman, J.)

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