

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12034 of 2025

Arising Out of PS. Case No.-138 Year-2024 Thana- GAMAHARIYA District- Madhepura

1. Nanku Yadav @ Rajdeo Yadav Son of Khushilal Yadav Resident of Vill- Gamhariya, Ward No. 10, P.S.- Gmhariya, District- Madhepura
2. Deepnarayan Yadav Son of Khushilal Yadav Resident of Vill- Gamhariya, Ward No. 10, P.S.- Gmhariya, District- Madhepura
3. Bodhnarayan Yadav @ Bodhnay Yadav Son of Khushilal Yadav Resident of Vill- Gamhariya, Ward No. 10, P.S.- Gmhariya, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Ram Sevak Choudhary, APP
For the Informant :	Mr. Pawan Kr. Prasad, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 22-04-2025 At the very out set, learned counsel for the petitioners submits that petitioner no. 1 Nanku Yadav @ Rajdeo Yadav has been arrested during pendency of this application and hence, the instant bail application has become infructuous and hence, he seeks permission to withdraw this application on behalf of Petitioner no. 1.

2. The instant application is dismissed as withdrawn with respect to Petitioner no. 1.

3. Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

4. The petitioners apprehend their arrest in connection



with Gamhariya P.S. Case no.138 of 2024 registered under Sections 126(2), 115(2), 118(1), 117(2), 109, 352, 351(2), 3 and 3(5) of the B.N.S, 2023.

5. As per the prosecution case, accused persons including the petitioners herein came to the field of the informant variously armed and started abusing the informant and his family members. On protest, accused Manish Kumar assaulted the informant's nephew Pintu Yadav with *lathi* and *danda* due to which he sustained grievous injuries. Accused Bipin Kumar assaulted the informant with lathi causing injuries.

6. Learned counsel for the petitioner submits that the petitioners have been falsely implicated in the case. Both the parties are the agnates and because of land dispute, the alleged occurrence has taken place. There is case and counter case. The manner of occurrence is other than what has been narrated in the F.I.R and the correct version is stated in the F.I.R. being Gamhariya P.S. Case no.139 of 2024 lodged by petitioner no. 1 against the informant and his family. There is general and omnibus allegation levelled against the petitioners. It is the accused Manish Kumar who assaulted the informant's nephew causing grievous injuries on his body, a copy of the injury report



has been annexed in the case diary which is on record. The petitioners have no criminal antecedent and undertakes to cooperate in the case/trial.

7. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

8. In view of the entire facts and circumstances of the case, it is directed that the petitioners above named, having no criminal antecedent in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Gamhariya P.S. Case no.138 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Madhepura, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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