

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25144 of 2025

Arising Out of PS. Case No.-243 Year-2024 Thana- GHANSHYAMPUR District- Darbhanga

1.

BHEEKHAR YADAV @ BHIKHARI YADAV S/O LATE NIKAI YADAV
Resident of Village- Baur, Police Station- Ghanshyampur, District- Darbhanga
2.

YADUBIR YADAV S/O LATE NIKAI YADAV Resident of Village- Baur,
Police Station- Ghanshyampur, District- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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14-05-2025

Heard Mr. Nilendu Kumar Choudhary, learned
Counsel for the petitioner and Mr. Bhanu Pratap Singh, learned
APP for the State.

2. At the very outset, learned counsel for the petitioner submits that *vide* order of this Court dated 22.04.2025 the application for anticipatory bail with respect to petitioner no. 2, namely, Yadubir Yadav has been dismissed as withdrawn.

3. The petitioner No. 1, Bheekhar Yadav @ Bhikhari Yadav apprehends his arrest in connection with Ghanshyampur P.S. Case No. 243 of 2024 registered on 02.08.2024 for the offences punishable under Sections 115(2), 126(2), 109, 75, 352, 351(2), 3(5) of the B.N.S., 2023.

4. According to the prosecution, the present F.I.R. has



been lodged against seven named accused persons including the present petitioner. Specific allegation is against Yadubir Yadav who assaulted the uncle of the informant due to which he received injury. Against the present petitioner and others, there is general and omnibus allegation that they all assaulted the family members of the informant by means of *Lathi, Dabia, Tengari*, iron rod etc.

5. Learned counsel for the petitioner submits that the petitioner is an innocent and has not committed any offence. Learned counsel further submits that the specific allegation of assault is against accused, Yadubir Yadav who has already been arrested. Learned counsel further submits that the petitioner is an old aged person of 71 years. His name has been implicated in this case only with a view to make the case grave and in order to torture the family of the petitioner. He further submits that admittedly the date of occurrence is 30.07.2024 while the present case has been filed by the informant after delay of three days. He next submits that for the same date and place of occurrence another case has been lodged by the petitioner's side. The criminal case which has been lodged by the informant's side is Ghanshyampur P.S. Case No. 243 of 2024 while the petitioner's side has filed Ghanshyampur P.S. Case



No. 251 of 2024 for the same date of occurrence i.e., 30.07.2024. Learned counsel for the petitioner submits that the petitioner has got clean antecedent and is ready to fulfill all the conditions whatever imposed to him.

6. Learned APP for the State vehemently opposes the prayer for anticipatory bail but fairly submits that for the same date and place of occurrence, there are two cases, one is from petitioner's side and another is from informant's side.

7. In view of the above facts and circumstances, this Court is inclined to extend the privilege of anticipatory bail to the petitioner.

8. Accordingly, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Additional Chief Judicial Magistrate, Benipur, Darbhanga, in connection with aforesaid P.S. Case, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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