

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23622 of 2025

Arising Out of PS. Case No.-20 Year-2025 Thana- RAJAON District- Banka

1. Dayanand Yadav S/O Sudha Yadav R/O Village- Chhoti Jutiya, P.S- Rajoun, Distt.- Banka.
2. Raja Yadav @ Raju Kumar S/O Sudha Yadav R/O Village- Chhoti Jutiya, P.S- Rajoun, Distt.- Banka.
3. Khurilal Yadav @ Rohit Kumar S/O Sudha Yadav R/O Village- Chhoti Jutiya, P.S- Rajoun, Distt.- Banka.
4. Baungi Yadav @ Birbal Kumar S/O Sudha Yadav R/O Village- Chhoti Jutiya, P.S- Rajoun, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey
For the Opposite Party/s : Mr. Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-05-2025 Learned counsel for the petitioners submits that petitioner no.4 has been arrested and hence, the prayer for anticipatory bail of petitioner no.4 has become infructuous.

2. Accordingly, the prayer of anticipatory bail of the petitioner no.4 stands dismissed being infructuous.

3. Heard learned counsel for the petitioners and learned A.P.P. for the State.

4. The petitioners are apprehending their arrest in connection with Rajoun P.S. Case No. 20/2025 registered for the offences punishable under Sections 126(2), 115(2), 352, 351(2), 110, 3 (5) of the B.N.S.S.



5. As per prosecution case, petitioners and other are said to have assaulted the informant. It is alleged that petitioner no.1 gave rod blow on the head of the informant as a result of which he sustained head injury and the petitioner no.2 also assaulted the informant by means of Katta. It is further alleged that petitioner nos. 1 and 2 also pointed pistol on the family member of the informant.

6. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioner no.1 bears two criminal antecedent in which he is on bail and petitioner no.2 bears one criminal antecedent in which he is on bail and petitioner no.3 bears no criminal antecedent. He further submits that though there is specific allegation against petitioner no.1 who assaulted the informant by means of *rod* on his head, but there is no repetition of blow on the head of the informant. As per injury report, the lacerated wound of size 1x1/4x1/6 inch is found on the left temporal side of head and the same is caused by hard blunt substance and the opinion regarding the said injury is kept reserved. He further submits that all sections areailable in nature against the petitioners except Section 110 of BNS which is not applicable



against the petitioners. He further submits that the petitioners and the informant are next door neighbors and there is dispute between the parties regarding the drainage system.

7. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submitted that the informant has sustained head injury. Hence, the petitioners do not deserve bail.

8. Considering the facts and circumstances of the case, there is no repeated blow on the head of the informant, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released 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 Chief Judicial Magistrate, Banka in connection with Rajoun P.S. Case No. 20/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Alok Kumar Pandey, J)

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