

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28095 of 2025

Arising Out of PS. Case No.-268 Year-2024 Thana- PARASBIGHA District- Jehanabad

1. Sona Devi W/o Yogendra Yadav
 2. Tejan Yadav S/o Late Rajendra Yadav
 3. Mukul Kumar S/o Upendra Yadav
 4. Nirmala Devi @ Nirala Devi W/o Upendra Yadav
 5. Gudiya Kumari D/o Upendra Yadav
- All are Resident Of Village- Musti Chak, P.S - Parasbigha, Distt.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nityanand Neeraj, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-05-2025 Heard Mr.Nityanand Neeraj, learned counsel for the

petitioners and Mr.Umesh Lal Verma, learned Additional Public

Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Parasbigha P.S.Case No.268 of 2024, FIR
dated 09.12.2024 registered for the offences punishable under
Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 117(2),
329(4), 109, 125(a), 125(b), 74 of the B.N.S., 2023.

3. As per FIR, the thrust of allegation against the
petitioners is of assaulting the informant party after forming



unlawful assembly and getting them injured.

4. Learned counsel for the petitioners submits that petitioner Nos.1 and 5 have clean antecedent, petitioner No.2 carry one more case other than the present one and he is on bail in the said case, petitioner No.3 carry two more cases other than the present one and he is on bail in both the cases and petitioner No.4 carries one more case other than the present one and she is on bail in the said case. They have falsely been implicated in the present case on the basis of admitted land dispute between the parties. There is case and counter case. Although petitioners are named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners, specific allegation of assault is attributed against co-accused person, namely, Upendra Yadav and apart from that, one Title Suit No.162 of 2024 is pending before the competent court of law between the parties.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, there is no specific allegation of any assault or overt-act attributed against the petitioners, there is case and counter case and one Title Suit



No.162 of 2024 is pending before the competent court of law between the parties, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jehanabad in connection with Parasbigha P.S. Case No.268 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their



criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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