

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32624 of 2025

Arising Out of PS. Case No.-412 Year-2024 Thana- BANKA District- Banka

1. Kundan Yadav S/O Bindeshwari Yadav R/O Vill.- Jagay, P.s.- Banka, Dist.- Banka.
2. Raj Nandani Devi @ Raj Nandani Kumari W/O Kundan Yadav R/O Vill.- Jagay, P.s.- Banka, Dist.- Banka.
3. Bindeshwari Yadav S/O Late Thakur Yadav R/O Vill.- Jagay, P.s.- Banka, Dist.- Banka.
4. Indu Devi W/O Bindeshwari Yadav R/O Vill.- Jagay, P.s.- Banka, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Md. Iftekhhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Banka P.S. Case No. 412 of 2024, dated 05.10.2024, lodged under Section 126(2), 115(2), 117(2), 76, 352 and 3(5) of the Bhartiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS, 2023”).

3. As per the prosecution, FIR has been lodged against four named accused persons, including the present petitioners, alleging that all the accused persons assaulted the informant



with a lathi, due to which he fell down. It is also alleged that the informant was assaulted with a rod, resulting in the loss of five teeth. When other family members came to intervene, they too were assaulted.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that the dispute arose over drawing water from a handpump, and injuries were caused to both sides. He also submits that both the petitioners and the informant are residents of the same village. It is further submitted that for the same date and place of occurrence, cases and counter-cases have been lodged between the parties. The petitioners' side filed Banka P.S. Case No. 413 of 2024, while the informant's side lodged Banka P.S. Case No. 412 of 2024. Furthermore, he submits that one criminal case is pending against the petitioner Nos. 1 and 3, whereas the criminal antecedents of the petitioner Nos. 2 & 4 are clean. Additionally, he submits that none of the parties are habitual criminals, rather, the occurrence took place in the heat of the moment.

5. Learned APP for the State opposes the prayer for bail of the petitioners but fairly submits that there is a case and a counter-case between the parties.



6. As such, in the present facts and circumstances of this case, let the above named petitioners 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/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Banka, in connection with Banka P.S. Case No. 412 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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