

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38233 of 2025

Arising Out of PS. Case No.-322 Year-2024 Thana- CHAKAND District- Gaya

1. Rajendra Yadav S/o- Late Hulas Yadav Village- Rahim Bigha, Ps- Chakand Dist- Gaya
2. Ashish Kumar Nirala @ Ashish Yadav S/o- Rajendra Yadav Village- Rahim Bigha, Ps- Chakand Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2025 Learned counsel for the petitioners is permitted to make necessary correction in para-1 and 5 of the anticipatory bail petition.

2. Heard Mr.Nishant Kumar Sinha, learned counsel for the petitioners, learned counsel for the informant and Mr.Bhanu Pratap Singh, learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Chakand P.S.Case No.322 of 2024, FIR dated 22.11.2024 registered for the offences punishable under Sections 318(4),316(2),352,351(2),3(5) of B.N.S.

4. The prosecution case as per informant that she has



purchased a piece of land pertaining to Khata No- 43,Khesra No- 866 from his husband elder brother and lieu of that she sold Khata No- 473,Khesera No- 2902 to his son namely Hulash Yadav. She further states that before the registry they are ready to remove their possession from the land but later on they refused to remove their possession. She also stated that there is a wall made on the land in question and a bore-well is also there. Hulash Yadav prior to registration, ready to give the compensation but later on refused and when she tried to remove the possession they try to assault and always threatening her causing inconvenience.

5. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR that both the parties are agnates and due to admitted land dispute the present occurrence had taken place and from a bare perusal of the FIR it appears that there is no specific allegation against the petitioners and there is no specific allegation of any assault or overt-act in the present FIR, only allegation against the petitioners is that they have stopped the work of the construction on the land in question.

6. Learned counsel for the informant and learned



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

7. Considering the aforesaid facts, petitioners have clean antecedent, informant is agnate of the petitioners and there is no specific allegation of any assault or overt-act attributed against the petitioners, 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 Chief Judicial Magistrate, Gaya in connection with Chakand P.S. Case No.322 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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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