

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37088 of 2025

Arising Out of PS. Case No.-296 Year-2021 Thana- TRIVENIGANJ District- Supaul

Birendra Yadav S/O Fodilal Yadav @ Faudi Lal Yadav Resident of village-
Koriapatti west, Parvaha, P.S.-Triveniganj, District-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha

For the Opposite Party/s : Mr. Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 25-06-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Triveniganj Police Station Case No. 296 of 2021, dated 09.09.2021, disclosing offences under Sections 143/149/447/504/109/341/323/308 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the informant has two sons, namely, Nitish Kumar and Birendra Yadav. The younger i.e. Nitish Kumar is married to Dezy Devi, who used to claim the property and insisted to transfer it in her name. It has further been alleged that on 20.08.2021, at about 03:30 PM, she called her brother i.e. the petitioner, namely, Birendra Yadav,



who along with other FIR named accused persons arrived at the house of the informant started abusing and assaulting him. The petitioner assaulted the informant on his head by means of farsa due to which he sustained head injury. When the informant's wife intervened to save the informant she was also assaulted and when the son of the informant Nitish Kumar came home all the accused persons assaulted him too.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to land dispute between the family members. He next submits that the petitioner is brother of the informant's daughter-in-law. He next submits that there appears to be dispute regarding share in property. The petitioner is having no criminal antecedent.
5. I have heard learned counsel for the petitioner and have perused the materials available on records including the impugned order.
6. The informant, who is aged about 61 years, has specifically alleged that the petitioner arrived at his house with 8 to 10 persons and at the behest of his daughter-in-law has assaulted the informant by means of farsa on his



head. From perusal of the impugned order, it appears that the informant has sustained injury on his head, accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.

- 7. This application is, accordingly, rejected.
- 8. However, if the petitioner surrenders and seeks regular bail, the same may be considered by the concerned court on its own merit, if possible on the same date, without being prejudiced to the fact that the anticipatory bail of the petitioner has been rejected.

(Anil Kumar Sinha, J)

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