

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39996 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- ANTI District- Gaya

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1. Lalu Yadav S/O Mohan Yadav R/O Village- Chandaini, PS- Anti, Dist.- Gaya.
 2. Mahesh Yadav S/O Mohan Yadav R/O Village- Chandaini, PS- Anti, Dist.- Gaya.
 3. Rina Devi S/O Vinod Yadav R/O Village- Chandaini, PS- Anti, Dist.- Gaya.
 4. Santosh Kumar S/O Ram Vrat Yadav R/O Village- Chandaini, PS- Anti, Dist.- Gaya.
 5. Kamindra Yadav S/O Ram Pravesh Yadav R/O Village- Chandaini, PS- Anti, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Minta Kumari D/O Salam Yadav R/O Village- Chandaini, PS- Anti, Dist.- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-06-2025 Heard Mr. Ashok Kumar, learned counsel for the petitioners and Mr. Sanjay Kumar Tiwary, learned APP for the State.

2. After some arguments, learned counsel for the petitioners submits that during the pendency of the petition, petitioner no. 1, namely, Lalu Yadav and petitioner no. 5, namely, Kamindra Yadav have been arrested and as such they seek permission to withdraw the application with respect to petitioner no. 1, namely, Lalu Yadav and petitioner no. 5,



namely, Kamindra Yadav as having become infructuous.

3. Permission is accorded.

4. The bail application with respect to petitioner no. 1, namely, Lalu Yadav and petitioner no. 5, namely, Kamindra Yadav is dismissed as withdrawn as having become infructuous.

5. The petitioners (except petitioner nos.1 & 5) are apprehending their arrest in connection with Anti P.S. Case No. 02 of 2025, dated 03.01.2025 registered for the offences punishable under Sections 191(2), 190, 126(2), 115(2), 118(1), 74, 109, 303(2), 329(3), 352, 351(2) of the B.N.S., 2023.

6. Allegation against the petitioners is that they along with other co-accused persons formed an unlawful assembly and in prosecution of the common object of the same they have abused and mercilessly beaten the informant and her family members by means of *lathi/danda, rod, khanti, garasa etc.*, due to which they sustained head and bodily injuries.

7. Learned counsel for the petitioners (except petitioner nos.1 & 5) submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. It appears that due to admitted land dispute, the present occurrence had taken place and one Title Suit No. 474 of 2023 is pending between the parties before the competent court of



law. Although, the petitioners are named in the F.I.R. but from perusal of the F.I.R. it appears that there is specific allegation of assault attributed against co-accused persons namely Lalu Yadav, Mohan Yadav and Rajesh Yadav and there is no specific allegation of any assault or overt act attributed against these petitioners.

8. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners (except petitioner nos.1 & 5).

9. Considering the aforesaid facts that the petitioners (except petitioner nos.1 & 5) having clean antecedents and there is no specific allegation of any assault or overt attributed against the petitioners and due to admitted land dispute, the present occurrence had taken place, let the petitioners (except petitioner nos.1 & 5), 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gaya in connection with Anti P.S. Case No. 02 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other following conditions :-

(1) Petitioners (except petitioner nos.1 & 5) 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.

(2) If the petitioners (except petitioner nos.1 & 5) tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners (except petitioner nos.1 & 5) and in case at any stage, it is found that the petitioners (except petitioner nos.1 & 5) have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners (except petitioner nos.1 & 5). 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.

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(Rajesh Kumar Verma, J)

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