

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40399 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- Bankebazar District- Gaya

1. Amar Kumar Musafir Yadav Resident of Village- Bishunpur P.S- Bankey Bazar, Dist- Gaya
2. Anil Kumar S/o Musafir Yadav Resident of Village- Bishunpur P.S- Bankey Bazar, Dist- Gaya
3. Pinki Kumari D/o Musafir Yadav Resident of Village- Bishunpur P.S- Bankey Bazar, Dist- Gaya
4. Musafir Yadav S/o Sona Yadav Resident of Village- Bishunpur P.S- Bankey Bazar, Dist- Gaya
5. Parmila Devi W/O Musafir Yadav Resident of Village- Bishunpur P.S- Bankey Bazar, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner no.4, namely, Musafir Yadav, as he has passed away during the pendency of the bail application.

3. Permission is granted.

4. Accordingly, this application stands dismissed as withdrawn with respect to petitioner no.4.

5. Now, this application is being heard only with



respect to the petitioner nos.1, 2, 3 and 5.

6. The petitioners apprehends their arrest in a case registered for the offence punishable under Sections 191(2), 190, 127(1), 115(2), 109, 117(2), 303(2), 352(2) of the Bhartiya Nyaya Sanhita.

7. The prosecution alleges that the petitioners and other accused, armed with weapons like *lathi*, *danda*, iron rods, and an iron *panja*, abused and physically assaulted the informant, with one of the accused striking his head causing bleeding. When the informant's father intervened, he was also brutally attacked. Additionally, petitioner no.1 allegedly snatched Rs. 2,500 from the informant, broke his mobile phone, and all accused threatened the informant against filing an F.I.R.

8. It is submitted by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in this case. The petitioners and the informant are co-villagers and agnates, and a land dispute exists between them. It is further submitted that, according to the F.I.R., the date of occurrence is 01.01.2025, whereas the F.I.R. was lodged after a delay of 12 days, i.e., on 13.01.2025, with no plausible explanation for the delay, suggesting that the F.I.R. was filed with an ulterior motive. The allegations levelled against the



petitioners are general and omnibus in nature. Specific allegations have only been made against petitioner no. 1, namely Amar Kumar, and a perusal of the injury report referred to in the case diary indicates that the injuries are simple in nature. It is further submitted that a compromise has been reached between the parties, and cordial relations have now been restored. In support of this, specific compromise petitions were filed before the learned District and Sessions Judge, Sherghati, Gaya. Taking into account the said compromise, interim protection was also granted during the course of the hearing. It is lastly submitted that the petitioners have no criminal antecedents.

9. Learned APP for the State has opposed the prayer for bail to the petitioners.

10. Considering the fact that the allegations are general and omnibus and the injuries sustained by the victim are simple in nature, let the above named petitioner nos.1, 2, 3 and 5, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Sherghati,



Gaya/Successor Court in connection with Bankebazaar P.S.
Case No.07 of 2025, subject to the conditions as laid down
under Section 482(2) of the BNSS as well as the following
conditions:

(i) One of the bailors should be the family
member/relative of the petitioner(s) who shall provide official
document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every
date before the Trial Court and failure to do so for two
consecutive dates without plausible reason will entail
cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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