

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41742 of 2025**

Arising Out of PS. Case No.-267 Year-2024 Thana- BARAHAT District- Banka

1.

Rupesh Kumar Yadav @ Rupesh Yadav son of Late Mahendra Yadav village- Haripur, Ps- Barahat, Dist- Banka
2.

Fulkumari Devi Wife of Rupesh Yadav village- Haripur, Ps- Barahat, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pratyush Pratap Singh, Adv.
For the Opposite Party/s :	Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-07-2025 Heard Mr. Pratyush Pratap Singh, learned counsel
for the petitioners and the State.

2. The petitioners apprehend their arrest in connection with Barahat P.S. Case No. 267 of 2024 for the offence registered under sections 126(2), 110, 352, 351(2), 3(5) of BNS, 2023 lodged on 19.10.2024 by the informant, Ashwini Kumar.

3. As per the prosecution story, the informant alleged that due to the land dispute, the accused persons named in it came on the roof and assaulted causing injury on the head. This led to the FIR.

4. Learned Counsel for the petitioners submit that



there are altogether three injured from the informant's side but the injuries have been found to be simple in nature. Further, the omnibus allegation of assault is there, none of the two petitioners have criminal antecedent. The last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 3,000/- each (totaling Rs. 6,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the three injured @ Rs. 2,000/- each after checking the credentials.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that though omnibus allegation, the assault theory is there in the FIR.

6. Considering the submissions of the parties as also the fact that the two petitioners have no criminal antecedent and the injuries have been found to be simple in nature, in that background, this Court is inclined to grant them the anticipatory bail with conditions subject to payment of Rs. 3,000/- each (totaling Rs. 6,000/-) to the three injured @ Rs. 2,000/- each as undertaken by the learned counsel for the



petitioners to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Barahat P.S. Case No. 267 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 bail bond by the Trial court itself;

(iii) the petitioners 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 petitioners shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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