

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47229 of 2025**

Arising Out of PS. Case No.-39 Year-2025 Thana- BARHARIA District- Siwan

1. Akhilesh Yadav S/o- Navrang Chaudhary Resident of Village- Dudhai Bari P.S.- Barharia, Dist- Siwan
2. Dhup Nath Yadav S/o- Jagdeo Chaudhary @ Jagdeo Yadav Resident of Village- Dudhai Bari P.S.- Barharia, Dist- Siwan
3. Sunil Yadav S/o- Ram Kishun Chaudhary @ Ram Kishan Chaudhary Resident of Village- Dudhai Bari P.S.- Barharia, Dist- Siwan
4. Anil Yadav S/o- Shyam Bihari Yadav Resident of Village- Dudhai Bari P.S.- Barharia, Dist- Siwan
5. Jai Prakash Yadav @ J P Yadav S/o- Dhup Nath Yadav Resident of Village- Dudhai Bari P.S.- Barharia, Dist- Siwan
6. Prince Kumar Yadav @ Prince Yadav @ Rudal Yadav S/o- Dhupnath Yadav Resident of Village- Dudhai Bari P.S.- Barharia, Dist- Siwan
7. Sandeep Yadav S/o- Shyam Bihari Yadav Resident of Village- Dudhai Bari P.S.- Barharia, Dist- Siwan
8. Parma Chaudhary @ Parma Yadav S/o- Ram Krishna Chaudhary Resident of Village- Dudhai Bari P.S.- Barharia, Dist- Siwan
9. Pankaj Yadav S/o- Ram Pravesh Yadav Resident of Village- Dudhai Bari P.S.- Barharia, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate  
For the Opposite Party/s : Mr. Mithlesh Kumar Khare, A.P.P

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      30-07-2025                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners are apprehending arrest in  
connection with Barharia P.S. Case No. 39 of 2025 lodged on  
20.01.2025, for the offence punishable under Sections 126(2),



115(2), 118(1), 109, 74, 303(2), 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against 10 named accused persons including the present petitioners. It has been alleged in the FIR that all the accused persons in connivance with each other reached at the house of the informant with *lathi*, *danda*, iron rod and sword and started abusing. It has been alleged in the FIR that the petitioner no.9 namely, Pankaj Yadav has assaulted the informant by iron rod on his head due to which injury has been caused. And petitioner no.2 namely, Dhup Nath Yadav has assaulted the informant's brother with iron rod on his head due to which injury has been caused. It has also been alleged that the accused persons also snatched Rs.27,000/- and a golden chain amounting Rs.60,000/- from the informant's side.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that except petitioner nos.2 and 9, there is general and omnibus allegation against other accused persons. Counsel submits that for the same date and place of occurrence, there is a case and counter case i.e. one case has been lodged from the petitioners' side bearing Barharia P.S. Case No. 40 of



2025 and the present case has been lodged from the informant's side bearing Barharia P.S. Case No. 39 of 2025. Counsel submits that land dispute is going on between the parties due to which scuffling took place from both the sides and injury has been caused to both the sides. Counsel submits that both the petitioners' side and informant's side are resident of same village and well known to each other. Counsel further submits that petitioner nos.2, 4, 7 and 9 have no criminal antecedent, whereas, petitioner nos.1, 5, 6 & 8 have one criminal antecedent each and petitioner no.3 has three criminal antecedents.

5. Learned APP for the State opposes the prayer for bail of the petitioners.

6. As such, in the present facts and circumstances of this case, let the petitioner no.1 namely, Akhilesh Yadav, petitioner no.3 namely, Sunil Yadav, petitioner no.4 namely, Anil Yadav, petitioner no.5 namely, Jai Prakash Yadav @ J P Yadav, petitioner no. 6 namely, Prince Kumar Yadav @ Prince Yadav @ Rudal Yadav, petitioner no.7 namely, Sandeep Yadav and petitioner no.8 namely, Parma Chaudhary @ Parma Yadav be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty



Thousand) each as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of A.C.J.M.-III, Siwan, in connection with Barharia P.S. Case No. 39 of 2025, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

7. So far as bail application of petitioner no.2 namely, Dhup Nath Yadav and petitioner no.9 namely, Pankaj Yadav are concerned, this Court is not inclined to grant bail to them. Accordingly, the prayer for anticipatory bail of the petitioner nos.2 & 9 are hereby rejected with liberty that if, they surrenders before the Trial Court within a period of six weeks from today then in that case, the Trial Court is directed to pass order on their surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner nos.2 & 9 has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

**(Dr. Anshuman, J)**

Divyansh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

