

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49934 of 2025

Arising Out of PS. Case No.-326 Year-2024 Thana- BARHARIA District- Siwan

1. Ajay Kumar Son of Laxman Yadav Resident of Village - Kudava, P.S.- Barharia, District - Siwan.
2. Sheoraj Rai Son of Daroga Rai Resident of Village - Kudava, P.S.- Barharia, District - Siwan.
3. Sanjay Rai Son of Sheoraj Rai Resident of Village - Kudava, P.S.- Barharia, District - Siwan.
4. Manindra @ Manindra Yadav @ Malindra Yadav @ Daldul Son of Kailash Yadav Resident of Village - Kudava, P.S.- Barharia, District - Siwan.
5. Chhotan Yadav Son of Subedar Yadav Resident of Village - Kudava, P.S.- Barharia, District - Siwan.
6. Hare Krishna Rai Son of Daroga Rai Resident of Village - Kudava, P.S.- Barharia, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Adv.
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2025 Heard the learned Advocate for the petitioners and the
learned APP for the State.

2. The petitioners apprehend their arrest in connection
with Barharia P.S. Case No. 326 of 2024, registered for the
offences punishable under Sections 126(2), 115(2), 303(2) and
3(5) of the BNS.

3. Allegedly on the fateful day, on account of long
standing enmity in the genesis of land dispute, all the FIR



named accused persons, 12 in number, including the petitioners, armed with various weapons, e.g. iron rod, lathi, danda and stone came there and started assaulting the informant and his family members. It is specifically alleged that co-accused Manoj Rai and Manish Rai attacked upon Anup Kumar, whereas Manindra @ Duldul, Ajay and Jitendra Kumar attacked upon Subash Kumar Yadav. There is further allegation that Dharmendra Rai, Rahul Kumar, Sanjay Rai , Guddu Rai, Chhotan Rai and Sheoraj Rai attacked Ankit Kumar Yadav. On account of the assault being made, all of them have sustained serious injuries.

4. Learned Advocate for the petitioners contended that in fact on the alleged date of occurrence, on account of land dispute, both the parties have entered into a scuffle resulting into injuries to persons of both the sides. Moreover, the parties are next door neighbours and there is admitted land dispute and, as such, there is every chance of implicating the name of all the family members. Furthermore general and omnibus allegation has been levelled against all of them. So far Ankit Kumar Yadav is concerned, who sustained grievous injury over his head, the same has been attributed against five persons, however, only one injury has been found. He next contended that taking note



of the nature of allegation, no case has been registered under Section 118(1) or 109 of the BNS. He lastly contended that the petitioners have absolutely fair antecedent and they undertake that they will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that accused persons, including the petitioners, have actively participated in the crime causing grievous injury to one Ankit Kumar Yadav and multiple injuries to other persons.

6. Considering the submissions set-forth by learned Advocate for the respective parties and taking note of the genesis of the occurrence and the omnibus nature of allegation against all the FIR named accused persons, including the petitioners; coupled with their fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Siwan in connection with Barharia P.S. Case No. 326 of 2024, subject to the conditions laid down in Section



482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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