

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58189 of 2025

Arising Out of PS. Case No.-22 Year-2023 Thana- BAGHA District- West Champaran

Brijlal Yadav S/o Suresh Yadav R/o Village- Rajwatiya, P.S.- Bagaha,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Adv.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 27-08-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Bagaha P.S. Case No. 22 of 2023 instituted under Sections 341, 323, 325, 307, 379, 504, 506 and 34 of the IPC lodged on 10.01.2023 by the informant.

3. As per the prosecution story, the informant alleged that on 09.01.2023, the agnates (*pattidar*) of the informant altogether 14 in number came to his door having been armed with *Lathi*, *Phatta*, *Farsa* and *Garasa* and started assaulting the informant and his four brothers, namely, Harkesh Yadav, Rajesh Yadav, Rajharan Yadav, Rohit Yadav. This petitioner is said to have given *Farsa* blow upon the head of Harkesh Yadav. One another co-accused, Keshu Yadav gave *Lathi* blow to Harkesh Yadav fracturing his leg. One Laxman Yadav attacked Rajesh Yadav with *Gadasa* on his left eye, Blister Yadav assaulted



Rohit Yadav on his head by means of *Katta* whose condition is said to be serious. Rakesh Yadav fractured the palm of Ashok and Balister Yadav assaulted the informant's wife with *Lathi* and took away her ear-ring. Informant's father is also said to have sustained internal injury.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to land dispute between both the parties and there is a case and counter case between them leading to institution of Bagaha PS Case No. 23 of 2023 by the petitioner's side against the informant and others on the same date i.e. on 10.01.2023 (Annexure P/2). It has been submitted that admittedly both sides have sustained injuries. It has also been submitted that during course of fight, this petitioner has also sustained injury and all the injured persons from both sides have sustained simple injury except one Harkesh Yadav (Annexure P/3 Series) who is said to have received two injuries, one simple and another grievous in nature. Lastly, it has been submitted that similarly situated eleven co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court *vide* Cr. Misc. No. 85181 of 2023 on 24.01.2024.

5. Learned APP vehemently opposes the prayer for



anticipatory bail of the petitioner.

6. Taking into account the submissions of the parties and considering the fact that there is land dispute between the parties, there is case and counter case between them, both sides have received injuries, and altogether 11 similarly situated co-accused persons haven been granted anticipatory bail by a Co-ordinate Bench of this Court, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, named above, be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with aforesaid P.S. Case to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Bagaha, West Champaran, Motihari subject to the conditions as laid down under Section 482(2) of the BNSS, 2023 as well as the following conditions:-

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

(ii) the petitioner 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 petitioner 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.

(Ajit Kumar, J)

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