

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63838 of 2025

Arising Out of PS. Case No.-192 Year-2024 Thana- SONBERSHA RAJ District- Saharsa

1. Sunaina Devi W/O Bijendra Yadav R/O Village- Navtoliya, P.S- Sonbarsa Raj, Distt.- Saharsa.
2. Sunita Devi w/O Dheerendra Yadav R/O Village- Navtoliya, P.S- Sonbarsa Raj, Distt.- Saharsa.
3. Dheerendra Yadav S/O Late Kedar Yadav R/O Village- Navtoliya, P.S- Sonbarsa Raj, Distt.- Saharsa.
4. Bijendra Yadav S/O Late Kedar Yadav R/O Village- Navtoliya, P.S- Sonbarsa Raj, Distt.- Saharsa.
5. Rahul Kumar S/O Dheerendra Yadav R/O Village- Navtoliya, P.S- Sonbarsa Raj, Distt.- Saharsa.
6. Amlesh Yadav @ Amlesh Kumar @ Amale Kumar S/O Bijendra Yadav R/O Village- Navtoliya, P.S- Sonbarsa Raj, Distt.- Saharsa.
7. Babul Kumar S/O Dheerendra Yadav R/O Village- Navtoliya, P.S- Sonbarsa Raj, Distt.- Saharsa.
8. Brajesh Kumar S/O Bijendra Yadav R/O Village- Navtoliya, P.S- Sonbarsa Raj, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-09-2025 Learned counsel for the petitioners seeks permission to withdraw the present application as against petitioner no. 6, namely, Amlesh Yadav @ Amlesh Kumar @ Amale Kumar.

2. Permission is granted.

3. Accordingly, the present application stands dismissed as withdrawn as against petitioner no. 6.



4. Heard learned counsel for the petitioners and learned A.P.P. for the State.

5. Petitioners are apprehending arrest in connection with Sonbarsa Raj P.S. Case No. 192 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 127(2), 303(2), 308(2), 76, 329(4), 352, 351(2), 351(3) of B.N.S.

6. As per prosecution case, petitioners and others, armed with deadly weapons, under a pre-planned conspiracy, surrounded the informant. It is further alleged that co-accused Brajesh Yadav ordered to kill the informant. It is alleged that accused Brajesh Kumar (petitioner no. 8) who is said to have assaulted upon the head of informant by means of Farsa, as a result of which informant sustained injury. It is further alleged that when Sachendra Yadav, Yogesh Kumar and Pinku Kumar came for rescue, accused Brajesh Kumar (petitioner no. 8) ordered to kill them. On this, accused Rahul Kumar (petitioner no. 5) assaulted on the head of Sachendra Yadav by means of butt of *Three-nut*, as a result of which he sustained injury and accused Amlesh Kumar (petitioner no. 6) assaulted on the head of Pinku Kumar by means of butt of *Three-nut*, as a result of which he sustained injury. It is further alleged that accused



Dheerendra Yadav (petitioner no. 3) assaulted on the head of Yogesh by means of *farsa*, as a result of which he sustained injury. It is further alleged that when wife of the informant, Nipu Devi came for rescue, accused Babul Kumar (petitioner no. 7) assaulted her and tore her clothes. It is further alleged that accused Sunita Devi (petitioner no. 2) snatched gold chain worth Rs. 48,000/- from the neck of informant's wife. It is further alleged that when informant's father came, accused Babul Kumar (petitioner no. 7) assaulted him by means of slaps and fists and took away Rs. 1600/- from his pocket. It is further alleged that all the accused persons indiscriminately assaulted the informant's side by means of lathi and danda. It is further alleged that accused Babul Kumar (petitioner no.7) took away Rs. 5500/- and accused Sunaina Devi (petitioner no. 1) took away one gold nose-pin worth Rs. 1500/- and one silver anklet worth Rs. 8000/-.

4. Learned counsel for the petitioners submitted that petitioners are innocent and have committed no offence as alleged in the first information report and they have been falsely implicated in this case. It is submitted that there is case and counter case between the parties. Petitioners' side has filed earlier case on 22.10.2024 vide Sonbarsa Raj P.S. Case No. 186



of 2024 and in retaliation of the said case the present case has been filed by the informant's side merely to harass the petitioners. It is submitted that all the injuries sustained by the informant and others are simple in nature except one Pinku Kumar, as mentioned in the impugned order. It is further submitted that from perusal of the first information report, it is evident that there is dispute regarding share in the property. In cases of land dispute, facts are generally exaggerated to make the offence graver. Petitioner nos. 1, 2, 3, 5 and 7 bear clean antecedent. Petitioner nos. 4 & 8 have criminal antecedent of one case in which they are already on bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, the injuries are simple in nature, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner nos. 1, 2, 3, 4, 5, 7 & 8, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Saharsa in connection with



Sonbarsa Raj P.S. Case No. 192 of 2024, subject to the
conditions as laid down under section 482(2) of the B.N.S.S.

(Alok Kumar Pandey, J)

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