

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63316 of 2025

Arising Out of PS. Case No.-176 Year-2025 Thana- ATRI District- Gaya

1. Gaya Kumar, S/O Babuchand Yadav, R/O Village - Chandaila, P.S.- Atri, District - Gaya
2. Tinku Kumar, S/O Hari Yadav R/O Village - Chandaila, P.S.- Atri, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Adv.

For the State : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 10-09-2025 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehends their arrest in connection with Atri P.S. Case No. 176 of 2025, dated 11.05.2025, registered under Sections 191(2), 190, 126(2), 115(2), 117(2), 110, 303(2), 74, 352, 351(2) of the B.N.S.

3. The prosecution case, in brief, is that the informant alongwith his family members were in the house, then all the accused persons named in the FIR came there having khanti, Iron Rod, Pistol, lathi, danda etc. abused and threatened to kill and entered into the house of informant and started searching him, whereupon the Informant's wife and Bhabhi asked that the accused Gaya Kumar (Petitioner No.-1) and others with bad



intention, misbehaved with them and also assaulted with fists and slaps. It is further stated that Gaya Kumar assaulted on Informant's head with khanti, resulting bleeding injury, Tinku Kumar (Petitioner No.-2) assaulted his mother with rod and others assaulted different persons by lathi and other arms, resulting injury to his mother. When police arrived, they fled away from the spot. Informant's mother was admitted to JPN Hospital, Gaya.

4. It is submitted by the learned counsel for the petitioners that petitioners are quite innocent and committed no offence and has been falsely implicated in this case. The allegation against the petitioners are general and omnibus. As per F.I.R., the informant is said to have been assaulted by (Gaya Kumar) petitioner no. 1 by Khanti on his head, as a result he received head injury, whereas petitioner no. 2 is said to have assaulted Saurabh Devi, who is said to have sustained injury. Both were examined by the Doctor and found the injuries are simple in nature. It has next been submitted that due to some land dispute pertaining to encroachment of public land, for which encroachment case was registered being Encroachment Case No. 3/2024-25 and encroachment was removed, but after the proceeding of encroachment was over, the informant again wanted to encroach the said public land, which resulted to scuffle between the parties,



for which this petitioner had to register a case bearing Atri P.S. Case No. 162 of 2025, under Sections 126(2), 115(2), 117(2), 303(2), 351(2) and 3(5) of B.N.S., which is appended as Annexure-P/1. The petitioners have clean antecedents and have committed no offence.

5. Learned Additional Public Prosecutor for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts that there is case and counter case between the parties, the petitioners have already instituted case against the informant a week prior to the institution of the instant case, the allegation against the petitioners are general and omnibus and due to some land dispute pertaining to encroachment of public land between the parties, for which encroachment case was registered from the side of the petitioners being Encroachment Case No. 3/2024-25, let the above named petitioners, be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each, to the satisfaction of the learned A.C.J.M.-IVth, Gaya, in connection with Atri P.S. Case No. 176 of 2025, subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-



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

(ii) the petitioner (s) 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/her/their bail bond by the Trial Court itself;

(iii) the petitioner (s) 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 petitioner (s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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