

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70770 of 2025

Arising Out of PS. Case No.-274 Year-2025 Thana- GHOSI District- Jehanabad

1. Akhilesh Prasad @ Akhilesh Son of Late Raghunandan Yadav R/o Village - Mudla Bigha, P.S. - Ghosi, District - Jehanabad.
2. Tinku Kumar Son of Akhilesh Prasad @ Akhilesh R/o Village - Mudla Bigha, P.S. - Ghosi, District - Jehanabad.
3. Puja Kumari Wife of Tinku Kumar R/o Village - Mudla Bigha, P.S. - Ghosi, District - Jehanabad.
4. Saroja Devi Wife of Akhilesh Prasad @ Akhilesh R/o Village - Mudla Bigha, P.S. - Ghosi, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainandra Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-10-2025 Learned counsel for the petitioners submits that he has filed supplementary affidavit but the same is not on record and learned counsel has given his own copy of supplementary affidavit across the board. Let, it be kept on record.

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

3. The petitioners are apprehending their arrest in connection with Ghosi P.S. Case No. 274 of 2025 registered for the offences punishable under Sections 191(2), 190, 126(2), 115(2), 117(2), 109, 303(2), 74, 352, 351(2), of the B.N.S.,



2023.

4. As per prosecution case, when the informant alongwith his family members was sitting on his door, petitioners and other armed with lathi, danda and iron rod came and told the informant to leave the ancestral land. It is alleged that petitioner no. 1 exhorted others upon which petitioner no. 2 assaulted the informant upon his head by means of lathi as a result of which informant sustained head injury. Thereafter, petitioner no. 1 assaulted the informant upon his left hand by means of lathi as a result of which informant's hand fractured. When the informant's brother Sailesh Yadav came to rescue the informant, petitioner no. 1 also assaulted the informant's brother upon his right hand by means of iron rod as a result of right hand of informant's brother fractured. It is alleged that when the informant's cousin daughter-in-law came to rescue, petitioner no. 3 assaulted her by means of lathi as a result of which she became injured. It is further alleged that petitioner no. 4 snatched gold *Jitiya* worth Rs. 30,000/- from the neck of informant's cousin sister-in-law. It is further alleged that co-accused Happy Kumar thrashed the informant's cousin sister-in-law on the ground and assaulted her by means of fists and slaps.

5. Learned counsel for the petitioners submits that



there is specific allegation against petitioner no. 2 who is said to have assaulted the informant but through paragraph 5 of the supplementary affidavit he submit that informant has sustained no injury. He further submits that there is allegation against petitioner no. 1 who is said to have assaulted Sailesh Yadav but the injury sustained by the said injured is upon non vital part of the body. He furthers submits that petitioner no. 3 is said to have assaulted the informant's cousin daughter-in-law but the injury sustained by her is simple in nature, as mentioned in annexure P-2 of the supplementary affidavit. He further submits that the allegation against petitioner no. 4 is nothing but super addition. In the light of the facts and circumstances of the case, no case is made out against the petitioners as all the petitioners are family members of the informant who is younger brother of petitioner no. 1. He further submits that from the perusal of FIR, it appears that there is land dispute between the parties and in the cases of land dispute, facts are generally exaggerated to make the offence graver. He further submits that the from the perusal of FIR, it appears that occurrence took place on 04.06.2025 and the FIR was lodged on 07.06.2025 i.e. after delay of about three days and no plausible explanation has been given by the informant regarding the said delay. He further submits that the



injury report of injured Sailesh Yadav is dated 01.07.2025 and injury report of injured Priyanka Kumari is dated 13.06.2025. In the light of aforesaid facts and circumstances of the case, the injury report of injured persons clearly indicates that the said injury reports are belatedly prepared just to frame allegation against the petitioners as the occurrence took place on 04.06.2025. Petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioners bear no criminal antecedent.

6. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners by submitting that name of petitioners find place in the FIR and they cannot escape from the allegation made in FIR. Hence, petitioners do not deserve anticipatory bail.

7. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court 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 learned C.J.M., Jehanabad in connection with Ghosi P.S. Case No. 274 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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