

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74735 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- Raghunathpur District- East Champaran

Kanhaya Kumar @ Kanhaiya Yadav Son of Aatma Yadav R/V - Laxmipur
Gadariya, P.S. - Raghunathpur, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. Renu Kumari, APP
For the Informant	:	Mr. Rabindra Nathi Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 20-11-2025 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

02. In the present case, the petitioner seeks bail in connection with Raghunathpur P.S. Case No. 92 of 2025 registered for the alleged offences under Sections 126(2), 115(2), 118(1), 303(2), 351(2), 3(5), 308(4) of Bharatiya Nyaya Sanhita, 2023 and later on Section 109 of BNS has been added.

03. As per prosecution case, petitioner and other co-accused persons came to the land of the informant and assaulted his brother with *lathi* and *danda*. The informant was assaulted by co-accused Aatma Yadav with *farsa*. The assailants also assaulted the persons who tried to save them. The allegation against the petitioner is that he gave knife blow to one Vinay



Tiwari, causing bleeding injury on his nose.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is land dispute between the parties as the informant wanted to possess the land of one Mamta Devi whose land is situated in the boundary of the informant's land and Mamta Devi has lodged Raghunathpur P.S. Case No. 94 of 2025 against the informant side for the same occurrence. The petitioner has been implicated in this case as he intervened in the matter to pacify the same but the informant named him getting annoyed by his act. There is no allegation of any repeated blow against the petitioner and nothing incriminating has been recovered from the person or possession of the petitioner. Learned counsel further submits that two co-accused persons have been granted bail by a Co-ordinate Bench vide orders dated 27.08.2025 passed in Criminal Misc. No. 56822 of 2025 and Criminal Misc. No. 58275 of 2025, respectively and one co-accused has been granted bail by this Court vide order dated 14.10.2025 passed in Criminal Misc. No. 71778 of 2025. The petitioner has got no criminal history. The petitioner is in custody since 10.08.2025 and charge-sheet has been submitted.

05. Learned APP for the State as well as learned



counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner and other co-accused brutally assaulted the informant and his brother making them unconscious and other persons received serious injuries. There is specific allegation of giving knife blow against this petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the grant of bail to other co-accused persons and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari/court concerned in connection with Raghunathpur P.S. Case No. 92 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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