

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78653 of 2025

Arising Out of PS. Case No.-247 Year-2025 Thana- KUCHAIKOTE District- Gopalganj

1. Baijnath Yadav @ Baidhnath Yadav S/o Late Kanchan Yadav R/o Village- Maniyara, P.S. Kuchaikote, District- Gopalganj
2. Rakesh Yadav S/o Baijnath Yadav @ Baidhnath Yadav R/o Village- Maniyara, P.S. Kuchaikote, District- Gopalganj
3. Mukesh Yadav S/o Baijnath Yadav @ Baidhnath Yadav R/o Village- Maniyara, P.S. Kuchaikote, District- Gopalganj
4. Bijesh Yadav S/o Baijnath Yadav @ Baidhnath Yadav R/o Village- Maniyara, P.S. Kuchaikote, District- Gopalganj
5. Surendra Yadav S/o Late Nagina Yadav R/o Village- Maniyara, P.S. Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam
For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-12-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner no.2 (Rakesh Yadav), who was arrested during pendency of the anticipatory bail application.
3. Permission is accorded.
4. Accordingly, the anticipatory bail application is dismissed as withdrawn with respect to petitioner no.2 (Rakesh



Yadav).

5. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 191(1), 191(2), 191(3), 126(2), 115(2), 118(1), 109(1), 303(2), 352 and 351(2) of the Bharatiya Nyaya Sanhita.

6. Learned counsel for the petitioners submits that petitioner no.1 has antecedent of two cases and petitioner nos.3 and 4 are persons with clean antecedent and petitioner no. 5 has antecedent on three cases and the informant alleges that on 14-06-2025, the accused persons including the petitioners came and started putting hut and naad over his land, on objection by his cousin Chandan, accused Surendra and Baijnath gave orders to kill, thereafter Rakesh assaulted him by *farsa* causing injury on his face and repeated the blow, but *farsa* hit the ground, thereafter Bijesh assaulted the informant by knife causing injury on head and the accused persons assaulted both the brothers and Rambha Devi snatched his chain worth Rs. 80,000/- while Mukesh snatched chain of Chandan worth Rs. 95,000/- and the injured were taken to hospital and Chandan was referred to higher centre.

7. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by



the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that on account of dispute relating to land, the occurrence is alleged to have taken place. It is also submitted that the land belongs to the petitioner, but then the informant was trying to usurp the same, on account of which an altercation had taken place in which both sides assaulted each other. It is next submitted no doubt Bijesh Yadav (petitioner no.4) is alleged to have assaulted the informant by knife causing injury on head, but then it is submitted that the injury has been opined to be simple caused by hard and blunt substance, as such, the allegation of assault by knife gets belied. It is further submitted that as far as other petitioners are concerned, the allegations against them are ornamental in nature. It is submitted that thrust of the allegation of assaulting Chandan is against Rakesh. It is next submitted that petitioner no. 1 and 5 have been implicated with an allegation that they were order givers, but then it is submitted that it does not appear probable that two persons at the same time would have given orders for committing the occurrence, which also casts an aspersion on the case of the prosecution.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



9. Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 1, 3, 4, 5, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Kuchaikote P.S. Case No. 247 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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