

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78265 of 2025

Arising Out of PS. Case No.-240 Year-2025 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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1. Bijendra Yadav @ Vijendra Yadav S/o- Late Bhumi Prasad Yadav @ Bhumi Yadav R/v- Simri W.No-16, Ps- Simri Bakhtiyarpur Dist- Saharsa
 2. Ram Khelawan Yadav S/o- Late Bhumi Prasad Yadav @ Bhumi Yadav R/v- Simri W.No-16, Ps- Simri Bakhtiyarpur Dist- Saharsa
 3. Roushan Yadav @ Raushan Kumar S/o- Ram Khelawan Yadav R/v- Simri W.No-16, Ps- Simri Bakhtiyarpur Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Adv

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 03-12-2025

Heard the parties.

2. At the very outset, learned counsel for the petitioners submits that during pendency of the instant anticipatory bail, petitioner no. 3, has been arrested, he therefore, seeks permission to withdraw the same.

3. Permission is accorded.

4. Accordingly, the application for anticipatory bail with respect to petitioner no.3, namely, Roushan Yadav @ Raushan Kumar stands dismissed as withdrawn.

5. Now, the prayer for anticipatory bail of petitioners no.1 and 2 is being considered as they are apprehending their arrest in connection with Simri Bakhtiyarpur P.S. Case No. 240 of 2025 instituted under Sections 126(2), 115(2), 117(2), 118(1), 109, 74, 303(2), 351(2), 3(5) of the BNS, lodged on 01.08.2025 by the informant, Ranjeet Yadav.



6. As per the prosecution story, the informant alleged that on 29.07.2025 while he was going to cultivate his field by tractor and mistakenly one of the wheels of his tractor trespassed the field of Bijendra Yadav (petitioner no.1) which infuriated them. Thereafter, all the accused/petitioners laced with arms and weapons entered the house of the petitioner and assaulted the informant and his family members inflicting injuries upon their persons. Accordingly, the FIR.

7. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to *mala fide* intention of the informant and they have not committed any offence as alleged in the FIR. Learned counsel for the petitioners next submits that for a land dispute between the parties where the informant who is a co-sharer of the petitioner is forcibly trying to take possession of the land which does not fall in his share, the present occurrence is said to have taken place. It has further been submitted that there is nothing specific against these two petitioners and the allegation of causing injury is against petitioner no.3, Roushan Yadav @ Raushan Kumar whose application for anticipatory bail has already been dismissed as withdrawn as he has been arrested in this case. No allegation of any overt-act has been levelled against petitioners



no.1 and 2 and these petitioners have got clean antecedent. It has lastly been submitted that the injuries do not corroborate the allegations of the kind which is mentioned in the FIR.

8. Learned counsel for the informant who has *suo motu* appeared in the case and learned APP on being confronted with the factual position, they do not dispute the submission of learned counsel for the petitioner insofar as the allegation relates to these two petitioners being general and omnibus in nature and the specific allegation of overt-act being against petitioner no.3 who has already been taken into judicial custody.

9. Considering the nature of allegation levelled against the petitioners and the injuries being simple in nature and the allegation of overt-act for causing grievous injury is upon petitioner no.3, whose application for anticipatory bail has been dismissed as withdrawn, and the petitioners have got clean antecedent, this Court is inclined to extend the petitioners no.1, and 2 the privilege of anticipatory bail.

10. Let the petitioners no.1 and 2 namely, Bijendra Yadav @ Vijendra Yadav and Ram Khelawan Yadav be released on bail, in the event of their arrest or surrender before the subordinate court within a period of six weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) each with two sureties of the like amount each in connection with aforesaid P.S. Case to the satisfaction of learned Chief Judicial Magistrate, Saharsa subject to the conditions as laid down under Section 482(2) of the BNSS and following conditions.

- (i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;*
- (ii) the petitioners 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 their bail bond by the Trial Court itself;*
- (iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;*
- (iv) the petitioners 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.*

(Ajit Kumar, J)

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