

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81195 of 2025

Arising Out of PS. Case No.-301 Year-2025 Thana- TURKAULIYA District- East
Champaran

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1. Akash Kumar Son of Late Bunilal Yadav Resident of Village - Shankar Saraiya, Ahir Tola, P.S.- Turkauliya, District - East Champaran.
 2. Naresh Yadav Son of Late Ramagya Yadav Resident of Village - Shankar Saraiya, Ahir Tola, P.S.- Turkauliya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Karandeep Kumar, Adv.
For the State	:	Mr.Rajendra Nath Jha, APP
For the Informant	:	Mr. Abhishek Kumar, Adv.
		Mr. Hemant Ray, Adv.
		Ms. Harsha Saswt, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2025 Heard the parties.

2. The petitioners apprehend their arrest in connection with Turkauliya P.S. Case No. 301 of 2025, registered for the offences punishable under Sections 191(2), 190, 115(2), 126(2), 118(1), 109, 76, 303(2) of the BNS.

3. Allegedly, while the informant was engaged in measurement of his land, in the meantime, co-accused Naresh Yadav came there and uprooted the brick, which was fixed on the fence. When the son of the informant protested, on the exhortation of co-accused Naresh Yadav, 15 named accused persons, including the petitioners, along with 8-10 unknown



persons variously armed brutally assaulted the informant and his family members. It is specifically alleged that petitioner No. 1 assaulted Shubham Kumar by means of *farsa*; whereas there is omnibus allegation against petitioner No. 2 of causing assault to others. There is further allegation of snatching of valuables.

4. Learned Advocate for the petitioners referring to the FIR contended that though there is allegation against petitioner No. 1 of causing *farsa* blow over Shubham Kumar but it has not been disclosed that on which part he has sustained any injury. The injured Shubham Kumar though sustained one grievous injury, however the same is on account of fracture of tip of distal phalanx of left thumb, which is a non vital part. It is contention of the petitioners that on account of previous land dispute, the parties have entered into a free fight resulting into injuries to persons of both the sides leading to institution of Turkauliay P.S. Case No. 300 of 2025, which is on earlier point of time. The prosecution has failed to explain the injury allegedly sustained to the petitioners and others in the said incidence, though the petitioner No. 1 also sustained stab injury at the hands of the members of the informant side. The petitioners undertake before this Court that they would not indulge in such incidence.



5. On the other hand, learned Advocate for the State and the informant vehemently opposed the bail application and submitted that besides the fact the petitioner No. 1 bears two criminal antecedent and petitioner No. 2 bears one criminal antecedent, they have actively participated in the crime and brutally assaulted the informant and one Shubham Kumar, who has sustained grievous injury.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the factum of case and counter case, coupled with the fact that the injury, which is found to be grievous in nature, is not specifically attributed against the petitioners, besides the fact the petitioner No. 1 has also sustained injuries in the said incidence as also the undertaking given by the petitioners before this Court, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, East Champaran at Motihari in connection with Turkauliya P.S. Case No. 301 of 2025, subject to the conditions laid down in Section



482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition:

(i) that one of the bailors shall be the own/close family members of the petitioners,

(ii) that the petitioners would not indulge in intimidating or threatening the witnesses/informant and,

(iii) that in case, the petitioners shall be found indulge in intimidating the informant/witnesses, the informant shall be at liberty to file an application for cancellation of the bail of the petitioners.

(Harish Kumar, J)

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