

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82485 of 2025

Arising Out of PS. Case No.-114 Year-2025 Thana- KHARIK District- Bhagalpur

1. Kanhaiya Yadav S/o Lalan Yadav R/o Village- Purbi Gharari, Thana- Kharik, District- Bhagalpur
2. Krishna Yadav @ Krishna Kumar S/o Lalan Yadav R/o Village- Purbi Gharari, Thana- Kharik, District- Bhagalpur
3. Pappu Yadav S/o Kate Gobind Yadav R/o Village- Purbi Gharari, Thana- Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-12-2025 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Kharik P.S. Case No.114 of 2025 registered for the offences punishable under Sections 191(2), 191(3), 126(2), 115(2), 308(2), 308(5), 109 and 352 of the BNS, 2023.

3. Allegedly, on the fateful day, the petitioners along with nine other named persons as well as 3-4 unknown persons, variously armed with lathi, danda, iron rod and other weapons, came to the land of the informant and tried to capture the same. When the informant protested, all of them brutally assaulted



him. It is specifically alleged that petitioners no.2 and 3 along with co-accused Manish and Pawan, brutally assaulted the informant due to which he sustained serious injuries. Besides the aforesaid allegation, the accused persons also misbehaved with the wife of the informant and snatched valuables. The petitioners and others, are said to be habitual offenders.

4. Learned Advocate for the petitioners submitted that admittedly there is a pending land dispute between the parties since long, which fact is also evident from the pendency of Title Suit Number 14 of 2014. Moreover, prior to the institution of this case, the persons of the petitioners' side have also instituted a case bearing Kharik P.S. Case No. 110 of 2025, against the informant and others. It is the informant and his associates who are said to be the aggressor. On account of the aforesaid land dispute, the parties were entered into a free fight resulting into some unfortunate injuries. Moreover, the injuries which are allegedly sustained to the informant are attributed against four persons, including the petitioners no.2 and 3. However, only one grievous injury has been found over the body of the informant, that too on a non-vital part. It is next contended that petitioner no.1 is facing only omnibus nature of allegation and no specific overt act has been attributed against him. The petitioners



undertake that they will fully cooperate in the proceeding of the court and would not indulge in such activities in future.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioners bear one criminal antecedent, besides, they have actively participated in the crime and caused a grievous injury to the informant.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the accusation against the petitioners of causing assault to the informant along with other accused persons, leading to one grievous injury which is not specifically attributed against any one, besides the land dispute as well as case and counter-case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Naugachiya, Bhagalpur in connection with Kharik P.S. Case No.114 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further following conditions:-

(i) One of the bailors shall be the own/close family



members of the petitioners.

(ii) The petitioners would not indulge in intimidating the witnesses or the informant or involve in such kind of activities. In case, the petitioners are found indulge in such activities in future, the informant and the State shall be at liberty to file an application for cancellation of their bail bond(s).

(Harish Kumar, J)

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