

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81160 of 2025

Arising Out of PS. Case No.-107 Year-2024 Thana- Shivnarayanpur District- Bhagalpur

1. Raj Kumar Yadav @ Raju Yadav S/o Tetar Yadav R/o Village- English, Jageshwarpur, P.S - Shivnarayanpur, District- Bhagalpur
2. Kanchan Devi W/o Raj Kumar Yadav @ Raju Yadav R/o Village- English, Jageshwarpur, P.S - Shivnarayanpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh
For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-12-2025 Heard the parties.

2. The petitioners apprehend their arrest in connection with Shivnarayanpur P.S. Case No. 107 of 2024, registered for the offences punishable under Sections 126(2), 115(2), 117(2), 118(2), 109, 303(2), 352, 3(5) of the BNS.

3. In the morning of the fateful day, the petitioners along with others variously armed came at the house of the informant. It is specifically alleged that petitioner No. 1 assaulted the informant by means of iron rod over his head, whereupon co-accused Amar Yadav also assaulted him with iron rod over all parts of the body. The petitioner No. 2 is said to have also participated in the crime and also assaulted the informant and others by means of *lathi dada*. Besides the aforesaid allegations, the accused persons also looted the



household articles.

4. Learned Advocate for the petitioners taking this Court through the FIR contended that with respect to an occurrence which took place on 17.09.2024, the present FIR came to be instituted on 21.09.2024, after a delay of 3 days but without there being any plausible explanation. Moreover, the allegation against petitioner No. 1 of causing assault over the head does not corroborate with the injury report, inasmuch as, no injury has been found over the head of the informant; though one of the injury is found to be grievous in nature but the same is not specifically attributed against him. So far petitioner No. 2 is concerned, save and except the omnibus allegation that she also participated in the crime, there is nothing against her. All the more she is a woman having absolutely fair antecedent. The petitioner No. 1 bears one criminal antecedent but this is nothing but offshoot of previous enmity between the parties. There is counter version of the present case being Kahalgaon (Shivnarayanpur OP) P.S. Case No. 104 of 2024 instituted against the informant and others. Both the parties are close relatives and they are bickering over the land dispute resulting into a free fight.

5. On the other hand, learned Advocate for the State



vehemently opposed the bail application and submitted that the petitioners have actively participated and assaulted the informant and others.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of unexplained delay in lodging of the FIR, coupled with the case and counter case as also the nature of allegation *qua* the injury sustained to the informant, 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 ADJ-16, Bhagalpur in connection with Shivnarayanpur P.S. Case No. 107 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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