

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87893 of 2024

Arising Out of PS. Case No.-166 Year-2024 Thana- MAGADH UNIVERSITY District- Gaya

- 1. Pankaj Kumar Son of Sri Nandlal Yadav @ Nand Kishore Prasad Yadav Resident of Village- Bhola Bigha , P.S.- Magadh University, District- Gaya
- 2. Deepak Kumar son of Sri Umesh Yadav Village- Goithamitha, ps- Dobhi, Dist- Gaya
- 3. Bindeshwar Yadav @ Bineshwar Yadav Son of Sri Manki Yadav village- Itra tola Pachanwa, Ps- magadh, University, Dist- Gaya
- 4. Pawan Kumar Son of Sri Nandlal Yadav @ Nand Kishore Prasad Yadav Village- Bhola Bigha, ps- Magadh University, Dist- Gaya

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

WITH

CRIMINAL MISCELLANEOUS No. 88446 of 2024

Arising Out of PS. Case No.-166 Year-2024 Thana- MAGADH UNIVERSITY District- Gaya

- 1. Bablu Yadav @ Bablu Kumar Son of Sri Jageshwar Yadav @ Yogeshwar Yadav Resident of Village- Turibuzurg, P.S. -Magadh University, District- Gaya
- 2. Mahendra Yadav @ Mahendra Kumar son of Sri Kuldeep Yadav @ Ravindra Kumar Resident of Village- Turibuzurg, P.S. -Magadh University, District- Gaya

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 87893 of 2024)

For the Petitioners : Mr. Ritwik Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate

For the State : Mr. Pranav Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 88446 of 2024)

For the Petitioners : Mr. Ritwik Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate

For the State : Mr. Ram Priya Sharan Singh, APP

For the Informant : Mr. Shahbaj Alam, Advocate

Mr. Shailesh Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA



ORAL ORDER

- 4 25-06-2025 Both these applications are being heard together since they arise out of the same police station case number.
2. Heard learned counsel for the petitioners and learned A.P.P. for the State as also learned counsel for the informant.
3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126 (2), 115 (2) 109 (1), 74, 303 (2), 117 (2), 352, 351 (2) and 3 (5) of the Bhartiya Nyay Sanhita, 2023 and Section 27 of the Arms Act.
4. The first application (Cr. Misc. No.87893 of 2024) is being heard only on behalf of petitioner nos.1 and 4 and second application (Cr. Misc. No.88446 of 2024) on behalf petitioner no.1 only.
5. The allegation against these petitioners is that of assaulting the informant on her head specifically by Bablu Yadav (petitioner no.1 of Cr. Misc. No.88446 of of 2024) and that of firing is upon Pankaj Kumar and Pawan Kumar (petitioner nos.1 and 4 of Cr. Misc. 87893 of 2024). Further, there is also allegation that both Pankaj Kumar and Pawan Kumar assaulted the informant on his chest by means of butt of pistol.
6. It is submitted by learned counsel for the petitioners that it would be evident from the first information report itself that the entire occurrence arise out of a land dispute and the allegations



with regard to these three petitioners remains confined to assault upon the informant. It is further submitted that it is actually the prosecution party, who are trying to forcibly capture a piece of land belonging to one Munni Kumari, and petitioner no.1 of Cr. Misc. No.88446 of 2024 happens to be the relative of the said Munni Kumari, who is a disabled lady. So far as the injury of the informant is concerned, the same is available along with the case diary and the injury report would go to show that there is a single injury on her occipital region and the said injury is found to be simple in nature. However, the allegation of assault by Pankaj Kumar and Pawan Kumar (petitioner nos.1 and 4 of Cr. Misc. 87893 of 2024) upon the informant on her chest by means of butt of pistol has not produced any corresponding injury. Further, as against allegation of firing, no one has sustained any firearm injury. Hence, no offence under Section 109 of the Indian Penal Code is made out.

7. Learned counsel for the informant, however, vehemently opposes the grant of anticipatory bail on the ground that the petitioners indulged in assaulting the informant and she has sustained the injury.

8. Taking into consideration the entire the facts and



circumstances of the case, let the above named petitioner nos.1 and 4 of Cr. Misc. No.87893 of 2024 and petitioner no.1 of Cr. Misc. No.88446 of 2024, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Magadh University P.S. Case No.166 of 2024, subject to the condition as laid down under Section 482 (2) Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

(Soni Shrivastava, J)

Trivedi/-

U		T	
---	--	---	--

