

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87706 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- BANDHUWA KURAWA District- Banka

1. Kanhai Yadav S/o Sunil Yadav R/o vill - Kharauni, P.S. - Bandhuakurawa, Distt.- Banka
 2. Subhash Pd. Yadav @ Subhash Yadav S/o Nakul Yadav R/o vill - Kharauni, P.S. - Bandhuakurawa, Distt.- Banka
 3. Nitish Yadav @ Nitesh Kumar @ Nitesh Yadav S/o Subhash Pd. Yadav @ Subhash Yadav R/o vill - Kharauni, P.S. - Bandhuakurawa, Distt.- Banka
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 10-01-2025 Heard the learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Bandhuakurawa P.S. Case No. 73 of 2024 for the offence under Sections 126(2), 115(2), 109, 352, 351(1), and 3(5) of B.N.S. lodged on 18.08.2024.

3. The prosecution story in brief is that on 14.08.2024, while the informant along with his family members are irrigating his field, meanwhile the petitioner along with other co-accused persons came there and started abusing. On objection, they assaulted the informant with *lathi*. It is also alleged that they assaulted the informant with lathi due to which



he sustained head injury and when his son and daughter came to save him the accused persons also assaulted them, causing them head injury.

4. Learned counsel for the petitioners submits that as per the FIR there is no specific allegation against the petitioners to assault any one. The FIR has been lodged after delay of four days which is not explained in the FIR. It is also clear from the FIR that there is an admitted land dispute between the parties due to which this occurrence took place.

5. Learned APP opposes the prayer for anticipatory bail of the petitioners.

6. Considering the above facts and also taking into account the fact that they have no any criminal antecedents, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M. Banka, in connection with Bandhuakurawa P.S. Case No. 73 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as



also with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(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;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(S. B. Pd. Singh, J)

Prabhakar/-

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