

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4993 of 2026

Arising Out of PS. Case No.-240 Year-2025 Thana- KHIJARSARAI District- Gaya

1. Kameshwar Yadav S/o Mukhlal Yadav Resident of Village- Maharajbigh (Padumchak), P.S.- Khizersarai, District- Gaya
2. Gautam Kumar S/o Kapil Prasad Resident of Village- Maharajbigh (Padumchak), P.S.- Khizersarai, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar, Adv.
Ms. Priya, Adv.
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-02-2026 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending arrest in connection with Khizersarai P.S. Case No.240 of 2025 lodged on 01.07.2025, for the offences punishable under Sections 115(2), 117(2), 126(2), 109, 303(2), 352, 351(2) and 3(5) of the B.N.S., 2023.

3. As per the prosecution, FIR has been lodged against six named accused persons including the present petitioners with allegation that they have assaulted the mother of the informant on her head due to which she became unconscious and further assaulted the informant's brother due to which injury



has been caused.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel also submits that both parties are resident of same village and they are basically agnates and due to land dispute, *panchayati* was going on and it is due to this reason, the present occurrence took place.

5. Counsel further submits that for the same date and place of occurrence, there is case and counter-case lodged from both the sides. With a view to save his skin, the informant has lodged case i.e., Khizersarai P.S. Case No.240 of 2025 (present case) and the petitioners have lodged case i.e., Khizersarai P.S. Case No.239 of 2025 prior to the case filed by the informant.

6. Counsel submits that the criminal antecedent of the petitioners is clean and they are ready to fulfill all the conditions whatsoever shall be imposed upon them.

7. Counsel further submits that petitioner No.1 who is aged about 60 years against whom there is specific allegation and against petitioner No.2, there is general and omnibus allegation.

8. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there is case and counter-



case and both the parties are agnates and land dispute is going on between them.

9. As such, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Judicial Magistrate-1st Class, Gayajee in connection with Khizersarai P.S. Case No.240 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J)

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