

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6786 of 2026

Arising Out of PS. Case No.-210 Year-2025 Thana- BANKA District- Banka

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1. Nageshwar Yadav S/o- Late Ishwar Yadav Village- Shashan PS- Banka District- Banka
 2. Chandan Yadav @ Chandan Kumar S/o- Nageshwar Yadav R/v- Shashan Ps- Banka Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandan Prasad

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 04-02-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Banka P.S. Case No. 210 of 2025, F.I.R dated 10.05.2025 registered for the offences punishable under Sections 126(2), 115(2), 109(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, the informant, Birendra Kumar, alleged that on the night of 07.05.2025 he was sleeping with his mother. On 08.05.2025 at about 5:30 A.M., he found his mother injured due to a sharp-edged weapon. She was taken to the hospital, where on 10.05.2025 at about 1:30 A.M. she regained consciousness and stated that on 08.05.2025 at about 1:30 P.M., while she had gone to the garden in front of her house, four accused persons, namely Lakshman Yadav, Chulhari



Yadav, Nageshwar Yadav and Chandan, assaulted her with an axe with intent to kill and left her believing her to be dead. The alleged motive for the occurrence is stated to be old enmity.

4. Learned counsel for the petitioner submits that the petitioners are innocent and there is no specific allegations levelled against the petitioner rather the allegations are general and omnibus in nature and the Police, upon investigation, had submitted a final form but the Court concerned, after differing with the Police report, has taken cognizance in the present case.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances there are no specific allegations levelled against the petitioner rather the allegations are general and omnibus in nature. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, in



connection with Banka P.S. Case No. 210 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) 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/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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