

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6730 of 2026

Arising Out of PS. Case No.-11 Year-2021 Thana- NIMCHAKBATHANI District- Gaya

1. Kapil Yadav S/O Late Baburam Yadav R/O Village- Neemchak Bathani, P.S.- Neemchak Bathani, Dist.- Gaya.
2. Aditya Kumar S/O Vinod Prasad @ Binod Yadav R/O Village- Neemchak Bathani, P.S.- Neemchak Bathani, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

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

2. The petitioners are apprehending their arrest in connection with Neemchak Bathani P.S. Case No.11 of 2021, F.I.R dated 17.01.2021 registered for the offences punishable under Sections 341, 323, 308, 504 and 34 of the Indian Penal Code.

3. According to prosecution case, on 15.01.2021 at about 5:30 PM, while Rekha Devi was returning home, the accused Aditya Kumar and Kapil Yadav intercepted, abused, and assaulted her with a lathi and rod. When her husband, the informant, arrived after hearing her cries, he was also assaulted. Co-villagers intervened and rescued them.

4. Learned counsel for the petitioners submits that for a land dispute, the incident is said to have taken place and the



allegations of assault to the informant by lathi and rod are false and fabricated and there is no injury caused to the informant to corroborate the veracity of assault upon the informant. It has further been submitted that the petitioners have one criminal antecedent but he is on bail in the said case.

5. Learned APP for the State opposes the prayer for anticipatory bail application but is not in a position to controvert the submission of there being no injury caused to the informant in the said scuffle.

6. Considering the aforesaid facts and circumstances that the present matter arose on account of land dispute and there being no injury report to corroborate the allegations made in the F.I.R. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

7. Let the petitioners, above named, in the event of their 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 A.C.J.M.X, Gaya, in connection with Neemchak Bathani P.S. Case No.11 of 2021, 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.

(v) the learned Trial Court is directed to verify from the records with regard to correctness of the injury report before accepting the bail bonds.

(Ajit Kumar, J)

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