

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16131 of 2026

Arising Out of PS. Case No.-87 Year-2025 Thana- SUIYA District- Banka

Suresh Yadav S/O Sukhdev Yadav @ Bhochan Yadav @ Bhojal Yadav
Resident of Village- Bilari, P.S.- Suiya, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Chandrabhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 23-04-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State .

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 126(2), 115(2), 109,
352, 351(2) and 3(5) of the B.N.S. 2023.

3. The Investigating Officer of case in compliance of
the order dated 20.04.2026 is present in the Court.

4. Learned counsel for the petitioner submits that the
petitioner has antecedent of one case and the informant alleges
that on 14.09.2025 at 6 A.M., he asked the petitioner to hand
over his sale deed and said why he got Jamabandi created in his
name on which the petitioner refused to give the sale deed and
started abusing and assaulting and when his nephew, Manoj,
came to save him, the petitioner along with 5 named accused



persons assaulted him and his nephew causing injury on their head and Manoj became unconscious and accused also assaulted Moti and Amar.

5. The learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant, it is further submitted that the antecedent which the petitioner bears was instituted from the side of the informant, it is next submitted that petitioner and informant are agnate and are having dispute relating to property, as would manifest from the allegations as alleged in the F.I.R. itself, it is also submitted that during the course of investigation, the statement of independent witnesses was recorded and the independent witness at para 10, 11 and 14 have stated that it was the side of the informant to had come to the house of the petitioner and petitioner was not present in his house when an altercation took place with his family member, accordingly, the petitioner was called when the informant and his side assaulted him but then the petitioner went inside the house and brought a rod and thereafter the occurrence took place. The learned counsel also submits that it is alleged that petitioner along with 5 other accused persons assaulted the side of the informant as such, allegation of assault is not specific. It is further submitted



that injury of informant has been opined to be simple though the injury of Manoj on head has been opined to be grievous in nature but then during the course of investigation as recorded hereinabove, it transpired that Manoj along with informant had gone to the house of the petitioner on account of dispute relating to property when the occurrence is alleged to have taken place. It is thus submitted that petitioner was not aggressor. It is also submitted that if privilege of anticipatory bail granted to the petitioner, the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, I am inclined to grant privilege of anticipatory bail to the petitioner.

8. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Ist, Banka, in connection with Suiya P.S. Case No.87 of 2025, subject to the conditions laid down under section 438(2) of the



Code of Criminal Procedure/Section 482(2) of the Bharatiya
Nagarik Suraksha Sanhita, 2023.

9. However, it is made clear that if the investigating
officer of the case file an application before the learned trial
Court bringing to its notice that petitioner despite giving
assurance to this Court is not cooperating in the investigation, in
that event, the learned trial Court shall be at liberty to cancel the
bail bond of the petitioner after recording the reason.

10. The personal appearance of the I.O. of the case is
dispensed with.

(Satyavrat Verma, J)

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