

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28965 of 2026

Arising Out of PS. Case No.-26 Year-2026 Thana- TURKAULIYA District- East Champaran

1. Abhishek Kumar Son of Dharmendra Yadav @ Dhamedra Rai @ Dharmendra Rai @ Dhamerd Rai R/o village - Chilrao, P.S.- Turkauliya, District - East Champaran
2. Dharmendra Yadav @ Dhamedra Rai @ Dharmendra Rai @ Dhamerd Rai Son of Late Dhrup Rai @ Dhurup Rai @ Late Dhurap Rai R/o village - Chilrao, P.S.- Turkauliya, District - East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Nafisuz Zoha, Advocate Mr. Kundan Singh, Advocate
For the State	:	Ms. Renu Kumari, APP
For the O.P. No. 2	:	Mr. Munna Kr. Upadhayay, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-05-2026 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the opposite party no. 2.

2. In the present case, the petitioners are apprehending their arrest in connection with Turkauliya P.S. Case No. 26 of 2026, dated 14.01.2026, registered for the offences punishable under Sections 126(2), 115(2), 127(2), 109, 303(2), 118(1), 352 and 351(2) read with Section 3(5) of the B.N.S., 2023.

3. As per prosecution case, in the background of land dispute petitioners assaulted the informant and his brother with *farsa* causing fracture of their heads.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The FIR has been lodged after a delay of two days without any plausible explanation. It is also apparent from the FIR that there is land dispute between the parties. There is case and counter case between the parties and the co-accused Dhiren Kumar has also lodged Turkauliya P.S. Case No. 25 of 2026 registered under Sections 126(2), 115(2), 118(1), 109, 303(2), 351(2) and 352 read with Section 3(5) of the B.N.S., 2023, against the informant and his family members and in order to counter blast the case of the co-accused, this false case has been lodged by the informant. The falsity of the allegation is also apparent from the injury sustained by the informant and his brother. Though there is allegation of causing fracture, but the injury report of the the informant shows only lacerated wound of size 2.5 cm x $\frac{1}{4}$ cm x $\frac{1}{4}$ cm on the parietal region of head, similarly, injury report of the brother of the informant shows abrasions of size 1 cm x $\frac{1}{4}$ cm on left parietal region of head and $\frac{1}{2}$ cm x $\frac{1}{4}$ on left lower limb. The injuries are stated to be simple in nature. Learned counsel further submits that from the dimensions of injuries and its nature it is apparent that injuries are superficial and simple and no *farsa* has been used in the



assault. On the other hand, from the petitioners' side, one Lalita Devi has received serious injury on her vital part. A co-accused, namely Dhirendra Yadav has been granted the privilege of anticipatory bail by a learned co-ordinate Bench of this Court *vide* order dated 29.04.2026 passed in Cr. Misc. No. 27289 of 2026. Learned counsel lastly submits that the petitioners are having clean antecedent.

5. Learned APP as well as learned counsel for the opposite party no. 2 oppose the submissions made on behalf of the petitioners. Learned counsel for the opposite party no. 2 submits that there is specific allegation against the petitioners that they have assaulted the informant and his brother on their heads causing injuries to them, however he concedes that the injuries are caused by hard and blunt object and are stated to be simple in nature as stated in the rejection order.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of injuries attributed to the petitioners and also considering the counter version of the petitioners and the background of land dispute and possibility of false implication and further considering petitioners' clean antecedent and grant of privilege of anticipatory bail to a co-accused, let the



petitioners, above-named, in the event of their arrest or surrender before the Court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with **Turkauliya P.S. Case No. 26 of 2026**, subject to the conditions as laid down under Section 482(2) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned trial Court.

(Arun Kumar Jha, J)

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