

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33866 of 2026

Arising Out of PS. Case No.-25 Year-2026 Thana- BODHGAYA District- Gaya

1. Lakshminiya Devi W/o Mahesh Yadav Resident of village - Kajaraili, P.S.- Bodhgaya, Distt.- Gaya
2. Kamdev Yadav @ Kamdeu Yadav S/o Rambrikash Yadav Resident of village - Kajaraili, P.S.- Bodhgaya, Distt.- Gaya
3. Jaymanti Devi W/o Dinesh Yadav Resident of village - Kajaraili, P.S.- Bodhgaya, Distt.- Gaya
4. Deenesh Yadav @ Dinesh Yadav S/o Rambriksh Yadav Resident of village - Kajaraili, P.S.- Bodhgaya, Distt.- Gaya
5. Mahesh Yadav S/o Rambriksh Yadav Resident of village - Kajaraili, P.S.- Bodhgaya, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rabia Gulnaz, Adv
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

3 24-07-2026 Heard the learned counsel for the petitioners and the learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Bodhgaya P.S. Case No. 25 of 2026, registered under Sections 126(2), 115(2), 118(1), 109, 352, 351(2) & 3(5) of B.N.S.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that while she was cutting grass near Aahar, her co-villagers named in the FIR, who are the petitioners herein came there and started using filthy language against her. Dinesh Yadav, petitioner



no. 4 was armed with iron rod, petitioner no. 3 was armed with a *Tangi*, petitioner no. 2 was armed with a pistol and petitioner no. 1 was armed with an iron *khanti*, assaulted the informant, due to which she started fleeing towards her house and when her daughter and son, along with her husband came to save her, the petitioner no. 3 assaulted on the head of the daughter of the informant as well as the son of the informant with a *tangi*, due to which they sustained injuries on their head. After that the petitioner no. 4 and the petitioner no. 5 along with the petitioner no. 2 got hold of them and started assaulting on the body of the informant and her family members. When the villagers came all the accused persons fled away from there.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence. She submits that the petitioners and the informant are co-villagers and the present FIR has been lodged due to previous land dispute in between the parties. She further submits that the parties are agnate and for the same offence, the petitioner no. 2 has also lodged Bodhgaya P.S. Case No. 35 of 2026 against the informant and her family members under different Sections of the B.N.S. and there is injury on the side of the petitioner also. She further submits that all the injuries have been found to be simple in nature by the treating doctor, except the injuries of injured Rishma



Kumari, who was referred to A.N.M.C.H., Gaya and whose opinion with regard to the injury has been kept reserved. She further submits that the petitioners no. 2, 4 and 5 have got 1 criminal antecedent bearing Bodhgaya P.S. Case No. 353 of 2025, in which they have been granted bail, so far the petitioners no. 1 and 3 are concerned, they have got a clean antecedent.

5. *Per contra*, the leaned APP appearing on behalf of the State opposes the prayer for bail of the petitioners and submits that all the petitioners have assaulted the informant and her family members and specific allegation has been leveled against the petitioner no. 3 with regard to assault on the head of son and daughter of the informant and injury report with regard to one of the injured has not been received.

6. Having considered the rival submissions and after going through the record, it appears that there was a free fight in between the parties, for which case and counter case was lodged. Further the parties are agnate and there is an admitted land dispute in between them. Further from perusal of the case diary and the injury report appended thereto, it would transpire that all the injuries have been found to be simple in nature, except the injury received by the injured Rishma Kumari, who was referred to A.N.M.C.H. at Gaya having cut injury of 1.5" long on mid parietal region of skull and the opinion with regard to her injury



was kept reserved. Considering the above, let the above named petitioners, in the event of their arrest or surrender within a period of six weeks, be released on anticipatory bail in connection with Bodhgaya P.S. Case no. 25 of 2026, on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., District- Gaya subject to the condition laid down under Section 482(2) of the B.N.S.S., and subject to the following condition:-

(I) That the learned court concerned shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court concerned shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

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