

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38909 of 2026

Arising Out of PS. Case No.-469 Year-2024 Thana- ALOULI District- Khagaria

1. Rajeev Kumar Yadav @ Rajiv Kumar S/O Ratnesh Yadav Resident of Village- Manikchak Ukharaura, Ward No. 06, P.S.- Alauli, District-Khagaria
2. Hiran Kumari @ Hiran Devi W/o Rajeev Kumar Yadav @ Rajiv Kumar Resident of Village- Manikchak Ukharaura, Ward No. 06, P.S.- Alauli, District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Prakash, Advocate Mr. Binod Kumar, Advocate Ms. Mona Verma, Advocate
For the Opposite Party/s :		Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 17-06-2026 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Alauli P.S. Case No. 469 of 2024 registered for the offences under Sections 126(2), 115(2), 303(2), 109, 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.).

3. The allegation against the petitioners is that they had abused and assaulted the informant and when her husband tried to save her, petitioner no. 2 caught her husband and petitioner no. 1 assaulted him with *lathi* causing head injury.

4. The learned counsel for the petitioners submits that



the petitioners have falsely been implicated and no such incident has ever occurred. It is further submitted that there is a case and counter case for the said occurrence and only in order to save themselves from the said case, the present case has been lodged. It has next been submitted that from the perusal of the injury report, which has been brought on record by way of Annexure-P/3, it would be evident that the injuries are simple in nature and one injury, which was found to be grievous, was on the shoulder which is non-vital part of the body. It has also been pointed out that the petitioners were given the benefit of Section 41(A)Cr.P.C./35(3) of B.N.S. however as the cognizance has been taken under Section 109 of B.N.S., the petitioners have apprehension of being arrested. It has lastly been submitted that the petitioners carry clean antecedents.

5. The learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner, above-named, be released on anticipatory bail, in the event of their arrest or surrender before the concerned Court/successor Court within a period of four weeks from today,



on their furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Khagaria where the case is pending in connection with Alauli P.S. Case No. 469 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with corresponding Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) as well as subject to the following conditions :

(i) One of the bailors of the petitioners shall be their close relative and the other shall be a local resident.

(ii) The petitioners shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the concerned Court.

(iv) If the petitioners, in future, are found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for



cancellation of their bail bonds.

(v) The concerned Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that they have concealed their criminal antecedents, the Court concerned shall take necessary steps for cancellation of their bail bond. 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.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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