

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45394 of 2026

Arising Out of PS. Case No.-58 Year-2026 Thana- Patarghat District- Saharsa

1. Sanjay Kumar @ Sanjay Yadav S/o Bauku Yadav @ Boku Yadav Resident of village - Bisanpur, Ward No. 6, P.S - Patarghat, District - Saharsa
2. Bauku Yadav @ Boku Yadav S/o Late Khushi Yadav Resident of village - Bishunpur, Ward No. 6, P.S - Patarghat, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Chandra Bhaskar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-07-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 109(1), 76, 351(2), 352 and 3(5) of the Bharatiya Nyaya Sanhita.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no. 2 is aged about 75 years and the informant alleges that her neighbor encroached the path of her house, further on 19.03.2026 at 7:00 PM, the four named accused persons including the petitioners came and Ashwani assaulted her



husband by an iron rod indiscriminately causing injury on head, thereafter petitioner no. 1 assaulted him by *dabiya* and he fell and thereafter all accused persons assaulted her also. Further on account of assault by rod, her husband suffered injury on head.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that specific allegation of assaulting the husband of the informant is against Ashwani. It is further submitted that informant alleges that Ashwani assaulted her husband indiscriminately by an iron rod causing injury on head and her husband even suffered injury on head on account of assault by iron rod, but then she also alleges that even petitioner no. 1 assaulted by *dabiya*, but then from perusal of the order impugned, it would manifest that husband of the informant suffered only one injury and the allegation is specific against Ashwani. It is further submitted that no specific allegation of assault is alleged against petitioner no. 2 who is a senior citizen aged about 75 years and has remained a person with clean antecedent all throughout.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



6. After hearing learned counsel for the parties and taking into consideration the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Patarghat P.S. Case No. 58 of 2026 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly, the application stands allowed.

(Satyavrat Verma, J)

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