

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41099 of 2026

Arising Out of PS. Case No.-125 Year-2026 Thana- KOTWA District- East Champaran

1. Ajay Prasad Yadav @ Ajay Yadav @ Ajay Rai, S/o Late Motilal Rai Residents of Village- Chitariya, P.S.- Kotwa, District- East Champaran.
2. Guddu Rai @ Guddu Yadav, S/o Late Motilal Rai, Residents of Village- Chitariya, P.S.- Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the State	:	Mr. Nawal Kishore Prasad, APP
For the Informant	:	Mr. Abhishek Kumar, Advocate
		Mr. Sagar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR
ORAL ORDER

4 31-07-2026 Heard learned counsel appearing on behalf of the petitioners, learned APP appearing on behalf of the State as well as learned counsel appearing on behalf of the informant.

2. Petitioners seek bail in Kotwa P.S. Case No. 125 of 2026, registered for the offences punishable under Sections 126(2), 115(2), 117(2), 118(1), 109, 303(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. In the F.I.R., it is alleged that on 19.03.2026, around 4:30 P.M., while the informant was returning home by his Scorpio vehicle and reached near the house of one Vikash Kumar Yadav, the accused persons, including the petitioners, variously armed with deadly weapons and making unlawful assembly, stopped the vehicle of the informant with the help of



some obstructions and thereafter Petitioner No. 2 and one Dinesh Yadav threw the informant down on the ground and started assaulting him with *lathi* and sticks. Petitioner No. 2 gave a *gandasa*-blow on the head of the informant due to which he lost his eye sight. Petitioner No. 1 also gave a spade-blow on the head of the informant. Seeing this, brothers of the informant Dharmendra Kumar and Sandeep Kumar came to the rescue of the informant, but they were also assaulted and severely injured by the accused persons, including Petitioner No. 1, who gave a knife-blow due to which his brother Sandeep Kumar's cheek got damaged.

4. Learned counsel appearing on behalf of the petitioners states that the petitioners have not committed any offence and have falsely been implicated in this case due to previous enmity. Petitioner No. 1 is in custody since 22.03.2026 and Petitioner No. 2 is in custody since 08.04.2026. Learned counsel for the petitioners further submits that all the Sections, except Section 109 and 303(2) of the B.N.S. are bailable and the offences under these two Sections are not made out against the petitioners. Learned counsel for the petitioners further submits that previously the petitioners instituted a case against the informant side and therefore the informant has instituted this case against the petitioners and has falsely implicated them in



this case only to pressurise them. Therefore, the petitioners may be released on bail.

5. On the other hand, learned A.P.P. appearing on behalf of the State vehemently opposed the prayer for bail of the petitioners and stated that Petitioner No. 1 has a criminal antecedent and he is an accused in Kotwa P.S. Case No. 152 of 2016, registered for the offences under Sections 302, 120B, 201 and 34 of the Indian Penal Code. The case is under investigation and the witnesses have also supported the prosecution case. The photographs of the injured persons are attached in Paragraph-32 of the case diary, which is very disturbing. Besides, the injuries are on the vital parts of the body which are grievous in nature.

6. From the facts aforesaid and perusing the case record and the case diary as also considering the criminal antecedent of Petitioner No. 1, so also the nature and gravity of accusation of assault on the vital parts of the body, in my view, the petitioners do not deserve bail.

7. The prayer for bail of the petitioners is rejected.

(Girijish Kumar, J)

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