

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43879 of 2026

Arising Out of PS. Case No.-46 Year-2026 Thana- SARE District- Nalanda

-
1. Kapil Yadav S/o Late Ragho Yadav R/o Village - Amba Bigha, P.S - Sare, District - Nalanda
 2. Nago Yadav @ Ajit Kumar S/o Kapil Yadav R/o Village - Amba Bigha, P.S - Sare, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-07-2026 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Sara P.S. Case No. 46 of 2026 for the offence registered under sections 126(2), 115(2), 118(1), 109(1), 303(2), 3(5) of BNS, 2023.

3. As per the prosecution story, the informant alleged that due to dispute relating to the business, the accused persons assembled and on the order of the petitioner, Kapil Yadav and Arun Yadav, Jeevan Yadav gave gadasa blow on the head whereafter, Arun Yadav and Sonu Yadav gave rod blow. Further, when his son, Guddu Yadav came to rescue, Awadhesh Yadav



gave rod blow on the head. There is allegation of snatching of the chain/cash amount also. Both were taken to Government hospital and then to Pawapuri hospital. This led to the FIR.

4. Learned Counsel for the petitioners submit that a perusal of the FIR would show that main allegation of assault is/are on Jeevan Yadav, Awadhesh Yadav, Arun Yadav and Sonu Yadav. Further, allegation of snatching of the chain/ amount is there on the petitioner as also one of the order giver, they do not have criminal antecedent. The last submission is that Jeevan Yadav who is alleged to have assaulted the informant has been granted relief by a Co-ordinate Bench in Cr. Misc. No. 42804 of 2026.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail one of the petitioner is the order giver while allegation of snatching is on the other petitioner.

6. Considering the submissions of the parties as also the fact that main allegation is against Arun Yadav, Sonu Yadav, Jeevan Yadav and Jeevan Yadav has been granted relief, as recorded above, these two petitioners do not have criminal antecedent nor direct allegation of assault is/are against them, in that background, this Court is inclined to grant them the



anticipatory bail with conditions.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-VI, Biharsharif, Nalanda in connection with Sara P.S. Case No. 46 of 2026 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document (Aadhar Card, PAN Card, Driving License, Voter ID) to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

U		T	
---	--	---	--

