

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43883 of 2026

Arising Out of PS. Case No.-459 Year-2025 Thana- KAUWAKOL District- Nawada

1. Pawan Yadav S/O Mahadeo Yadav Resident Of Village- Sekhodevra, P.S- Kawakole, District- Nawada.
2. Binod Yadav S/O Late Sitaram Yadav Resident Of Village- Sekhodevra, P.S- Kawakole, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, 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 Kawakole P.S. Case No. 459 of 2025 for the offence registered under sections 115(2), 126(2), 109, 74, 329(3), 3(5) of the BNS.

3. As per the prosecution story, the informant alleged that due to the land dispute, the accused persons who are agnates of the informant firstly abused and then assaulted. Allegation of assault is on Binod Yadav by rod on the head of the informant which actually hit his hand and Pawan Yadav gave lathi blow. Further, allegation against the wife of taking



away of gold chain. This led to the FIR.

4. Learned Counsel for the petitioners submit that a minor scuffle has been given a different colour and further, a perusal of the learned Sessions Judge order would show that injuries have been found to be simple in nature. The last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 5,000/- each (totaling Rs. 10,000/-) through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting allegation of assault is against these petitioners.

6. Considering the submissions of the parties as also the fact that the injuries have been found to be simple in nature. FIR is there, they shall be facing the music, in that background, this Court is inclined to grant them the anticipatory bail with conditions subject to payment of Rs. 5,000/- each (totaling Rs.



10,000/-) to the informant as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local branch of the State Bank of India/any Nationalized Bank to be submitted to the Trial Court.

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 Judicial Magistrate 1st Class, Nawada in connection with Kawakole P.S. Case No. 459 of 2025 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/-

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