

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76049 of 2025**

Arising Out of PS. Case No.-239 Year-2025 Thana- BARHARIA District- Siwan

1. Nand Kishor Yadav S/O Rama Nand Yadav @ Ramanand Chaudhari Resident of Village- Balapur, P.S- Barharia, Distt.- Siwan.
2. Rama Nand Yadav @ Ramanand Chaudhari S/O Bhagelu Chaudhri Resident of Village- Balapur, P.S- Barharia, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

**ORAL ORDER**

3      20-02-2026      Heard Mr. Ajay Kumar Tiwary, learned Counsel for the  
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Barharia P.S. Case No. 239 of 2025 for the offence registered under sections 126(2), 115(2), 118(1), 109, 303(2), 352, 351(2), 3(5) of the BNS.

3. As per the prosecution story, the informant alleged that due to land dispute, the assault took place on the informant's side, petitioner no. 1 gave sword blow on the head while the petitioner no. 2 gave *farsa* blow on the hand. Further, allegation of snatching of Mangalsutra and taking away cash amount are also there. This led to the FIR.

4. Learned Counsel for the petitioners with the help of the learned Sessions Judge order submitted that the injuries have been



found to be simple in nature, there is case and counter case between both the sides. Further, they have no criminal antecedent and shall be co-operating in the investigation as also diligently appearing in trial, if granted relief.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that allegation of assault on vital part is/are there.

6. Considering the submissions of the parties as also the fact that the petitioner do not have criminal antecedent, the injuries have been found to be simple in nature, an undertaking has been given that he shall be diligently appearing in trial, 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 Additional Chief Judicial Magistrate-III, Siwan in connection with Barharia P.S. Case No. 239 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 member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall be appearing before the Police



Station as and when required for co-operating in the investigation;

(iii) the petitioner 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;

(iv) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the petitioner 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;

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

**(Rajiv Roy, J)**

Vijay Singh/-

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