IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76712 of 2026

CNR No. BRHC011100612026

Arising Out of PS. Case No.-45 Year-2026 Thana- NADI District- West Champaran

==========

1. Asharfi Yadav @ Asarfi Yadav @ Asrafi Yadav S/o Late Chathu Yadav @ Late Chhathu Yadav R/o Village- Jaralpur, Naya Tola, P.S.- Yogapatti, District- West champaran
2. Upendra Yadav S/o Late Heera Yadav @ Late Hira Yadav R/o vill - Dhabelwa, P.S.- Yogapatti, Distt.- West Champaran, Bettiah

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

==========

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Nadi P.S. Case No. 45 of 2026 registered for the offence punishable under Sections 118(2), 115(2), 126(2), 75, 77, 303(2), 109(1), 191(2), 191(3), 190, 352, 351(2) of the B.N.S., 2023.

3. The case of the prosecution, in short, as per the informant is that on 08.03.2026 at about 12:30 PM, she along with her family members, was looking after their crops, the accused persons, armed with lathi-danda, farsa and iron rods,

WEB COPY

arrived at the field over a previous dispute and assaulted her, her husband and her son, causing injuries to them. It is further alleged that the accused persons tore the informant's clothes with intent to outrage her modesty and snatched her gold mangalsutra worth Rs. 30,000/-. The injured were initially taken to PHC, Bairiya, and thereafter referred to GMCH, Bettiah, for treatment. Accordingly, the present case was registered on the basis of the informant's fardbeyan.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have not committed any offence. They have falsely been implicated in the present case due to previous enmity and village politics. He further submits that the petitioners have no criminal antecedent.

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

6. From the careful perusal of the FIR, the allegations contained in the FIR, it appears that there is allegation against Ashrafi Yadav (petitioner 1) of having assaulted the son of the informant by means of lathi-danda on the leg whereas the allegation against Upendra Yadav (petitioner no. 2) is of assaulting the informant by means of iron rod. The injury which is said to have been inflicted by Upendra Yadav has been found

WEB COPY

to be grievous but on non-vital part of the body i.e. left hand while the injury said to have been inflicted by Asharfi Yadv has not been found to be grievous. Both the petitioners are having clean antecedent as disclosed in the application. Under these circumstances, this Court is inclined to grant privilege of anticipatory bail to the petitioners.

7. Let the petitioners, named above, in the event of their arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond 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, Bagaha, West Champaran (Bettiah) in connection with Nadi P.S. Case No. 45 of 2026, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to the further condition that:-

(i) the petitioners shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioners and in case it is found that the petitioners have concealed their criminal antecedent, the Court below shall take step for cancellation of bail bond of the

WEB COPY

petitioners. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

kiran/-

U		T	

WEB COPY