

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78209 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- BATHWARIA District- West Champaran

- 1 . Shivnand Kumar @ Shivanand Kumar S/O Bharat Yadav R/O Village - Garib Shahi, P.S.- Bathwariya, Dist.- West Champaran
2. Gamha Yadav @ Gamma Yadav S/O Paras Yadav @ Ramprasad Yadav R/O Village - Garib Shahi (Bathwariya), P.S.- Bathwariya, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Renuka Ratnakar (125) , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 05-02-2026 At the outset, learned counsel for the petitioners seek permission to withdraw the pre-arrest bail petition of petitioner No. 2.

2. Permission is accorded.

3 . This bail petition with respect to petitioner No. 2 is dismissed as withdrawn .

4. Heard learned counsel for the petitioner No. 1 and the State .

5 . Petitioner No. 1 apprehends his arrest in a case registered for the offence punishable under sections 126 (2), 115 (2), 118 (1), 117 (2), 117 (4), 109, 103 , 190, 191 (2) and 191 (3) of BNS.



6. The prosecution case, in brief, is that on 12.01.2025 at 10 AM, informant received information that all the F.I.R. named accused persons, including this petitioner, were forcibly ploughing land of informant by tractor. On protest, by husband and other family members of the informant, the accused persons assaulted them by means of iron rod, lathi, etc as a result of which husband of informant died on way to hospital.

7. Learned counsel for the petitioner submitted that allegation of assault is general and omnibus against petitioner No. 1 . As per F.I.R. 13 named 5 to 6 unknown persons participated in the alleged occurrence . Specific accusation of assault to deceased is against other co-accused persons. Petitioner is not alleged to have assaulted the deceased. Petitioner claims clean antecedent.

8 . Learned counsel for the State opposed the bail petition .

9. Considering the aforesaid facts, clean antecedent of the petitioner and other circumstances of the case , in the event of arrest or surrender within eight weeks from today, let the petitioner No. 1 , as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Additional Chief Judicial Magistrate 2nd Bagaha West
Champan in connection with Bhathwariya P.S. Case No. 02
of 2025 , subject to the conditions laid down under section
482(2) of the Bharatiya Nagarik Suraksha Sanhita , 2023 .

(Prabhat Kumar Singh, J)

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