

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83570 of 2025

Arising Out of PS. Case No.-146 Year-2025 Thana- MAINATAND District- West Champaran

1. Ashok Yadav @ Ashok Kumar Yadav S/O Late Singhashan Yadav Resident Of Village - Gauripur, P.S- Mainatand, Dist.- West Champaran
2. Shyam Sundar Yadav Son of Ashok Yadav Resident Of Village - Gauripur, P.S- Mainatand, Dist.- West Champaran
3. Anawati Devi Wife of Ashok Yadav Resident Of Village - Gauripur, P.S- Mainatand, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Kishun Prasad, Adv.
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh, Adv.
For the Informant	:	Mr. Rahul Kumar Shukla, Adv.
		Mr. Shivam Kumar Deep, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-01-2026 Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State as well as learned Advocate for the informant.

2. The petitioners are apprehending their arrest in connection with Mainatand P.S. Case No. 146 of 2025, registered for the offences punishable under Sections 126(2), 115(2), 303(2), 109, 357(3), 352(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. On the fateful day, while the informant was feeding his buffalo, in the meanwhile, the petitioners variously armed with iron rod and *hashua* came there and started abusing,



besides threatened them not to depose in the trial. On protest being made, it is specifically alleged that the petitioner no. 1 assaulted him by means of iron rod over his head, due to which he sustained serious injuries. There is further allegation against petitioner 2 and 3 of causing assault and snatching of valuables.

4. Learned Advocate appearing on behalf of the petitioners submitted that from bare reading of the FIR it is evident that there was previous enmity between the parties. In fact, on account of the aforesaid reason, the parties have entered into a free fight, resulting into some unfortunate injuries, as also institution of case and counter case bearing Mainatand P.S. Case No. 152 of 2025 lodged against the informant and others. So far the allegation of snatching of valuable is concerned, the same is nothing but a concocted one; moreover, the petitioner no. 3 is said to be an ailing woman who suffers from blindness from one eye. The petitioners are having one criminal antecedent as has been disclosed in paragraph no. 3 of the bail application.

5. On the other hand, learned Advocate for the State and the informant vehemently opposed the pre-arrest bail application and submits that because of the assault being made by the petitioner no. 1, the informant has suffered a grievous injury as is evident from the impugned order. Moreover, the



petitioner nos. 1 and 2 also bear one more antecedent which has not been disclosed in paragraph no. 3 of the bail application.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the specific nature of accusation against the petitioner no. 1 of causing assault to the informant leading to grievous injury besides his criminal antecedent, this Court is not acceded to the prayer for anticipatory bail of petitioner no.1, accordingly the prayer for bail of the petitioner no.1 stands rejected. So far the petitioner nos. 2 and 3 are concerned, considering the fact that the petitioner no. 2 is a man of tender age, whereas petitioner no. 3 is a woman suffering from monocular vision, let both the petitioner nos. 2 and 3 be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Mainatand P.S. Case No. 146 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that



one of the bailors shall be the own/close family members of the
petitioners.

(Harish Kumar, J)

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