

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85883 of 2025

Arising Out of PS. Case No.-84 Year-2024 Thana- RUDRAPUR District- Madhubani

1. Prabhash kumar Yadav @ Prabhash Yadav son Baidyanath yadav Resident Of Village- Barsam, Tole Phulwariya, Ps -Rudrapur, Dist- Madhubani
2. Lalan Kumar Yadav @ Lalan Yadav son of Laxmi Yadav Resident Of Village- Barsam, Tole Phulwariya, Ps -Rudrapur, Dist- Madhubani
3. Manishankar Yadav @ Manikant Yadav son of Surya Narayan Yadav Resident Of Village- Barsam, Tole Phulwariya, Ps -Rudrapur, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hriday Narayan Harshit, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Sanjay Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-02-2026 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 189(4), 126(2), 115(2), 109, 117(2), 352 and 351(2) of the BNS, 2023.
3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that he along with his labourers were fishing in his bond, when seven named accused persons including the petitioners came and Lalan gave orders to kill, when Pawan assaulted by



backside of the *farsa* causing injury on shoulder, thereafter Lalan assaulted Mukesh by *farsa* who stopped the assault by hand, thereafter Rajkishore assaulted Mukesh by rod causing injury on head, further accused persons assaulted Ram Saday and his wife, Umda and abused by taking caste name and took out about 100-125 quintals of fish from the pond and Pawan along with Lalan acted inappropriately with Umda Devi.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant, it is next submitted that no doubt the pond belongs to the informant, but then the side of the petitioners had got the pond settled in their favour by the father of the informant, as would manifest from Annexure-3 to the anticipatory bail application. It is further submitted that though the pond was settled in favour of the side of the petitioners, but then the informant and his side were fishing, as such, an altercation took place in which both sides assaulted each other. It is further submitted that even the injury suffered by the injured has been opined to be simple. It is next submitted that the anticipatory bail application of the petitioners got rejected by the learned District Court by an order dated 15.11.2025 and thereafter the petitioners immediately moved before this Court



on 01.12.2025 and during pendency of the instant anticipatory bail application, process under Section 84 BNSS (corresponding Section 82 Cr.P.C.) was sought by the police and the same was granted by the learned Magistrate in a mechanical manner by an order dated 12.01.2026. It is further submitted that petitioners were not absconding from law rather were availing their remedies available in law, but then the learned Trial Court was in haste in issuing process under Section 84 BNSS.

5. Learned A.P.P. for the State as well as the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners, but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that petitioners based on a settlement are claiming the pond and the injury suffered by the side of the informant is simple and the petitioners had moved before the learned District Court and this Court in time and it was during pendency of the instant anticipatory bail application that process under Section 84 BNSS (corresponding Section 82 Cr.P.C.) was issued.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Rudrapur P.S. Case No. 84 of 2024 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly, the instant anticipatory bail application is allowed.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

