

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85729 of 2025

Arising Out of PS. Case No.-62 Year-2024 Thana- Khesar District- Banka

Ashok Yadav Son of Bhudev Yadav Resident of Village - Madhyagiri, P.S. - Belhar(Kheshar), Dist. - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Advocate
For the State : None

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 06-04-2026 No-one appears for the State

2. Heard learned Counsel for the petitioner.

3. The petitioner apprehends his arrest in connection with Khesar Police Station Case No. 62 of 2024, registered for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 109, 74, 303(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita.

4. The prosecution case, as per the First Information Report, is that on 26.11.2024, in the evening, while the informant and her husband were sitting at the door, co-accused persons arrived there armed with axe, lathi, danda etc. in their hands, started abusing the informant's husband. Upon protest, co-accused Pradeep Kumar assaulted him with axe on his head. Thereafter, other accused persons also assaulted the informant's husband with lathi, danda etc. Subsequently, six other accused persons named in the FIR arrived, armed with axe, lathi, danda, gandasas etc. in their hands and again started abusing the informant's husband and upon protest, assaulted



him. When Murari Yadav intervened in order to save the informant's husband, Aanandi Yadav, with an intention to kill, assaulted him with an axe on his head, causing head injury. Thereafter, the petitioner, along with two or three other accused persons, arrived, started abusing, and the petitioner assaulted Murari Yadav on his left leg with axe, causing injury.

5. Learned Counsel for the petitioner submits that petitioner has falsely been implicated in this case due to land dispute between the parties and village politics. The petitioner has been made accused on the last portion of the FIR, wherein the allegation is against two persons, including the petitioner. The allegation against co-accused Anandi Yadav is that he assaulted Murari Yadav on his head with axe, causing head injury, whereas the allegation against the petitioner is that he assaulted Murari Yadav on the leg, which is a non-vital part of the body. Although the doctor has opined the injury as grievous in nature, the same may have been caused on the head by co-accused Aanandi Yadav and not by the petitioner. Petitioner is having no criminal antecedent.

6. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that there is land dispute between the parties, the injury caused to the victim is attributable to the petitioner on a non-vital part of the body, petitioner is having no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.



7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Khesar Police Station Case No. 62 of 2024, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita.

(Anil Kumar Sinha, J)

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