

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90258 of 2025

Arising Out of PS. Case No.-307 Year-2025 Thana- MADHUBANI TOWN District-
Madhubani

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1. Sanjay Yadav S/o- Late Upendra Yadav Resident of Village- Bhakharauli Police Station-Madhubani, Dist- Madhubani
 2. Anil Yadav @ Anil Kumar Yadav S/o- Late Upendra Yadav Resident of Village- Bhakharauli Police Station-Madhubani, Dist- Madhubani
 3. Mithilesh Yadav S/o- Late Upendra Yadav Resident of Village- Bhakharauli Police Station-Madhubani, Dist- Madhubani
 4. Vikash Yadav S/o- Mithilesh Yadav Resident of Village- Bhakharauli Police Station-Madhubani, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Parijat Saurav, Adv.
For the Opposite Party/s	:	Mr. Nirmala Kumari, APP
For the Informant	:	Mr. Sushil Kr. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 15-01-2026 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners are apprehending their arrest in connection with Madhubani Nagar P.S. Case No. 307 of 2025, dated 17.07.2025, registered for the offence punishable under Sections 115(2), 126(2), 117(2), 303(2), 74, 352, 109(1) and 3(5) of the Bhartiya Nyaya Sanhita and, later on, Section 109(1) of the Bhartiya Nyaya Sanhita was added and Section 303(2) of



the Bhartiya Nyaya Sanhita was deleted.

3. As per prosecution case, the allegation against the accused persons including the petitioners is of assaulting the Informant and his family members by means of iron rod, *farsa* and *lathi* due to which they sustained injuries.

4. At the outset, learned counsel for the petitioners, looking to the nature of allegation leveled in the F.I.R. and there being specific allegations of overt act against the petitioner no.2, which has resulted causing grievous injury to the Informant, seeks permission of this Court to withdraw the anticipatory bail petition as against the petitioner no.2, namely, Anil Yadav @ Anil Kumar Yadav.

5. In view of the above, permission is accorded and the instant anticipatory bail petition, against the petitioner no.2, stands dismissed as withdrawn.

6. Now, this anticipatory bail petition is confined only to the petitioner nos. 1, 3 and 4 respectively.

7. Learned counsel for the petitioners submits that the informant as well as the petitioners are agnates and there is a longstanding dispute between them with regard to partition for which on several occasions, incident of such nature has taken place, which would be apparent from the antecedents, as has



been detailed in Para-3 of the anticipatory bail petition.

8. It has next been submitted that since in view of there being specific allegation against the co-accused Hukumdeo Yadav, who has also been taken into judicial custody and another person, namely, Anil Yadav (petitioner no.2) against whom there being specific allegation, the plea of anticipatory bail has been withdrawn and, therefore, looking to the allegations, which is not being very specific and as also the antecedent against the petitioner nos. 1 & 3, in which, in all the cases, these two petitioners have already been acquitted, while with respect to the petitioner no.4, there is no criminal antecedent, the privilege of anticipatory bail may be extended. Counsel for the petitioners further submits that there is a case and counter case between the parties.

9. The Informant, who has appeared *Suo Motu*, does not dispute the submissions of the counsel for the petitioners in so far the allegations of overt act, in specific is said to have been made against the co-accused Hukumdeo Yadav and Anil Yadav but, the anticipatory bail application of the petitioner no. 1, 3 & 4 is also being opposed by him.

10. Learned Additional Public Prosecutor, representing the State, has appeared and vehemently opposed the prayer for



anticipatory bail but, neither the Informant nor the State disputes the fact that the specific allegations of overt act is against Hukumdeo Yadav and Anil Yadav, and the cases which are shown in the antecedent in respect of the petitioner nos. 1 & 3, in all those cases, these two petitioners have already been acquitted, while there is no criminal antecedent against the petitioner no.4.

11. Considering the fact that the allegations of overt act being mainly against the co-accused Hukumdeo Yadav and Anil Yadav and Hukumdeo Yadav, is already under judicial custody and the anticipatory bail petition of Anil Yadav has been withdrawn, this Court is inclined to extend benefit of anticipatory bail to the petitioners 1, 3 & 4, considering the fact that the Informant and the petitioners are agnates.

12. In view of the aforesaid facts and circumstances of the case, let the petitioner nos. 1, 3 & 4, namely, Sanjay Yadav, Mithilesh Yadav and Vikash Yadav, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhubani / Successor Court in connection



with Madhubani Nagar P.S. Case No. 307 of 2025, subject to the
conditions as laid down under Section 482(2) of the B.N.S.S.

(Ajit Kumar, J)

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