

Court of District & Additional Sessions Judge XVI, Bhagalpur

Present- Sandeep Singh

Anticipatory Bail Petition No. 552/2026

Arising out of Sabour P.S. Case No. 440/2025

U/S- 126(2), 115(2), 109, 351(2), 352, 3(5) B.N.S.

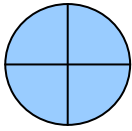
Biru Yadav @ Birun Kumar

V/s

State

Date	Order	Remarks
24.04.2026	(1) This anticipatory bail petition has been filed on behalf of petitioner viz. Biru Yadav @ Birun Kumar, aged about 30 years, son of late Mahendra Yadav, resident of Village-Sultanpur, P.S. Sabour, District-Bhagalpur, who is apprehending his arrest in connection with Sabour P.S. Case No. 440/2025 registered U/S 126(2), 115(2), 109, 351(2), 352, 3(5) B.N.S. (2) Heard Sri Pankaj Kumar Pandey, Id. counsel for petitioner and Sri B.K. Singh, Id. APP on behalf of the State. (3) Prosecution's case, as contained in written report dated Nil of informant Munna Yadav, in short, is that, on 14.12.2025 at about 11:30 PM, accused persons namely (1) Biru Yadav, son of late Mahendra Yadav, assaulted him by hitting his head with an iron rod, causing severe injuries. During the assault, (2) Kishor Yadav and (3) Amit Kumar, caught hold of his hands and legs and facilitated the attack. Though they are related to his family, they have always treated them unfairly and with hostility, considering them weak. On the said night, he was talking about a mason who had made him work for eight days without paying wages. Biru Yadav, who is also a mason, wrongly assumed that he was referring to him and became aggressive. The accused persons are physically stronger and frequently threaten and suppress them. Earlier in 2024, they had also attacked him with a sickle and cut his nose. (4) Learned counsel for petitioners has submitted that the petitioners have not filed any regular or anticipatory bail petition before the learned Sessions Judge, Bhagalpur or before the Hon'ble High Court, Patna, except this Regular Bail Petition. Further he submits that the petitioner has got one criminal antecedent vide G.R. Case No. 2791/2022 pending before the court of A.C.J.M. II, Bhagalpur. Further he submits that the petitioner is innocent and he has committed no offence and he has been falsely implicated in this case. Further, he submits that co-accused namely Kishor Yadav @ Rajkishor Yadav and Amit Kumar have been granted bail by this court on 25.02.2026 vide ABP NO. 199/2026. Informant Munna Yadav is a habitual alcoholic and he has abused the petitioner and family members. Further he submits that the petitioner shall abide the terms and conditions as per the law laid down U/S 482(2) of the B.N.S.S. Therefore, petitioner may kindly be granted bail. (5) On the other hand, Id. APP has opposed the aforesaid prayer. (6) Heard both sides and perused the record. From which it transpires that, F.I.R. has been registered for the offences punishable U/S- 126(2), 115(2), 109, 351(2), 352, 3(5) B.N.S., out of which offences punishable U/S 109 of B.N.S. is non bailable in nature. Further, perusal of record, it transpires that petitioner is F.I.R. named accused. In F.I.R. there is direct allegation against him that he assaulted on	
<u>Contd.</u> 24.04.2026		

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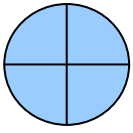
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<u>Contd.</u> 24.04.2026	his head by iron rod. Para 2 of case diary contains restatement of informant and para 7 of case diary contains statement of witness who is wife of informant. They have supported the case of prosecution in their respective statements. Para 9, 10, 11, 12, 13, 14 of case diary contains statements of independent witnesses who have barely supported the case of prosecution rather they have stated that in the course of scuffle informant fell down and he was injured and nobody assaulted him by iron rod and stick. Para 30 of case diary reveals that petitioner has got clean antecedent. Para 47 of case diary contains injury report of injured Munna Yadav which shows that "1. lacerated wound (dried blood present) over forehead Rt side size 1"x1/4"x1/4". 2. Swelling over if malar prominence." Para 57 & 74 of up to date case diary also contains injury report of injured Munna Yadav, which shows that "VA-6/6 (P) NV-N/6, 6/6(P) N/6, RE- Subconjunctival Hemorrhage, LE- Subconjunctival Hemorrhage." Para 82 of case diary also contains supplementary injury report of injured Munna Yadav, which shows that nature of injury is simple and caused by hard and blunt substance. Co-accused namely Kishor Yadav @ Rajkishor Yadav and Amit Kumar have been granted bail by this court on 25.02.2026 vide ABP No. 199/2026 Investigation is still going on against petitioner. (7) In considering an anticipatory bail application the Court must balance the liberty of the individual with the administration of justice. The factors ordinarily considered include the nature and gravity of the accusation, the severity of the punishment, the antecedents of the accused, the possibility of the accused fleeing from justice or tampering with witnesses or evidence, the requirement of custodial interrogation, and whether the investigation is complete. Where the offences are serious and non-bailable there is no bar to granting anticipatory bail, but the grant must be on appropriate terms and after satisfaction on the above factors. (8) Now when this Court applies aforesaid settled principle of law governing anticipatory bail to the facts and materials available on record it transpires that; (i) Nature of allegation: The petitioner is F.I.R. named accused and there is specific allegation against him that he assaulted the informant on his head by iron rod. Such allegation is serious in nature. However, the offence alleged falls under Section 109 of B.N.S. as non-bailable, while other sections relate to assault. (ii) Materials in the case diary: The restatement of the informant and statement of his wife support the allegation made in the F.I.R. against the petitioner. However, statements of independent witnesses, as noted in para 9 to 14 of the case diary, do not fully support the prosecution version. They have stated that the informant sustained injury due to fall during scuffle and have not supported the allegation of assault by iron rod. Thus, there is some inconsistency in the prosecution case at this stage.	
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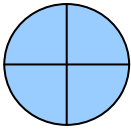
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<u>Contd.</u> 24.04.2026	(iii) Medical evidence: The injury reports of the informant show lacerated wound and swelling. Supplementary injury report indicates that injuries are simple in nature and caused by hard and blunt substance. There is no grievous injury or fracture. Thus, medical evidence does not strongly support the allegation of a brutal assault by iron rod as claimed. (iv) Parity with co-accused: It is an admitted position that co-accused persons namely Kishor Yadav @ Rajkishor Yadav and Amit Kumar have already been granted anticipatory bail by this Court. The role attributed to them in the F.I.R. is that they caught hold of the informant and facilitated the assault. The present petitioner is assigned the role of assault. However, considering the nature of injury and contradictory statements of independent witnesses, the case of the petitioner stands on comparable footing for the purpose of bail. (v) Antecedent: The case diary reveals that the petitioner has no criminal antecedent. This is a factor in his favour. (vi) Nature of dispute: It appears that the occurrence took place on account of a sudden quarrel between parties who are related to each other. The dispute seems to have arisen out of misunderstanding regarding wages. (vii) Stage of investigation: Investigation is still going on. However, in view of the nature of allegations, nature of injury, and materials already collected, custodial interrogation of the petitioner does not appear necessary at this stage. (viii) Overall consideration: Considering the inconsistency in witness statements, simple nature of injuries, absence of antecedent, and parity with co-accused who have already been granted anticipatory bail, this Court finds it a fit case to grant anticipatory bail to the petitioner with conditions. (9) Accordingly, in the event of arrest or surrender before the learned Trial Court within 30 days, the petitioner Biru Yadav @ Birun Kumar, son of late Mahendra Yadav shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court, subject to the following conditions: - The petitioner shall fully cooperate with the trial. - The petitioner shall not tamper with evidence, not influence witnesses, and shall maintain peace and good behaviour. - The petitioner shall furnish their mobile number, and email ID (if any) on the bail bond and shall keep the mobile number active & shall inform the Court in case the same is changed. - The petitioner shall strictly comply with the terms under Section 482(2) B.N.S.S.	
<u>Contd.</u> 24.04.2026	(10) The observations made in the present bail petition order are for the purpose of deciding the present petition and do not affect the factual matrix of trial of the	

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	(11) In this way, the instant ABP is, hereby, allowed .	
	(12) O.C. is directed to send a copy of this order to the Id. Trial Court at once for compliance and needful. (Dictated)	
	(Sandeep Singh) D.A.S.J., XVI, Bhagalpur 24.04.2026	
	Date of Judgment/Order	24.04.2026
	Date of reserving Judgment/Order	24.04.2026
Uploading Date	24.04.2026	
Uploaded by	Vipin Kumar	