

Court of Dist. & Addl. Sessions Judge-I, Benipur (Darbhanga)
Present:- Sri Rishi Gupta, Dist. & Addl. Sessions Judge-I, Benipur
In Bahera No. 513/25, State vs. Dhalai Yadav & ors.

**In the Court of Sri Rishi Gupta, Dist. & Addl. Sessions Judge-I, Benipur,
Darbhanga.**

Present

Rishi Gupta
Dist. & Addl. Sessions Judge- I, Benipur
Benipur, dated, the 12th May, 2026
Anticipatory Bail Petition no. 241 of 2026
Reg. No. 70/26

Dhalai Yadav & ors.

.....**Petitioners.**

Versus

The State of Bihar

.....**Opposite Party.**

Counsel for the petitioner :- Sri Pradeep Kr. Yadav, Ld. Advocate.

Counsel for the State:- Smt. Punam Jha, Ld. APP.

ORDER

12.05.2026 The present anticipatory bail petition has been filed on behalf of total five petitioners. That three petitioners got arrested and their name were removed after withdrawal petition on their behalf. That now this case has been heard for petitioners namely 1.Baunu Yadav, aged about 62 years, S/o Late Jibachh Yadav and 2.Pulish Yadav, aged about 68 years, S/o Late Jibachh Yadav, Both resident of vill- Ghonahia, P.S. Bahera, Dist. Darbhanga, in connection with Bahera P.S. Case No. 513/2025 for offence u/s 126(2), 115(2), 109, 303(2), 351(2), 352, 3(5) of BNS, which is pending in the court of Ld. A.C.J.M., Benipur.

Heard Sri Pradeep Kr. Yadav, Ld. Counsel for the petitioners and Smt. Punam Jha, Ld. Counsel for the state.

The prosecution case as stated in brief is that on dated 17.12.2025 at around 09 PM informant was returning home after selling his paddy. That accused persons namely Santosh Yadav, Dheeraj Yadav, Shivji Yadav, Lakhan Yadav, Santosh Yadav and Ranjeet Yadav, who were already there waiting for the informant, attacked with lathi, kudali and iron rod with intention to kill. That accused Dalahi Yadav attacked with farsa while Sambhu Yadav with wrong intention, attacked on informant's wife and snatched Rs. 50,000/-. That due to this attack, informant got injured and informant fell on the ground. That on hearing of cries, villager and informant's family members took to the Sub-divisional Hospital, Benipur from where informant was referred to DMCH, Darbhanga. That informant's nose was stitched and CT scan was done. That accused persons were not satisfied and they entered informant's house and vandalized informant's tractor and motorcycle.

The Counsel for the petitioners has submitted that this application for grant of anticipatory bail on behalf of the above named petitioners who are apprehending their arrest at the hands of police in

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having committed non-bailable offence like 109, 303(2) BNSS have made this petition for seek direction to released them on pre-arresting bail. That earlier to this no such petition has been made on behalf of the petitioners either to this court or any superior court of law in any form nor pending anywhere. That the petitioners bears on criminal antecedent on Bahera P.S. 215/26. Tat the petitioners are quite innocent and have committed no offence. That no such occurrence ever take place as alleged in this case moreover the informant is a bachelor i.e. unmarried have no any wife. That all sections are bailable except the 109 and 303(2) BNS in which one is totally absence and or there is ornamental one levelled for making the case non-bailable one. That the petitioners are men of sufficient means and are ready to furnish bail bond to the satisfaction of the court. That the petitioners hails from recognized family of their locality and there is no chance of absconding from record or tampering with prosecution evidence. That the petitioners are law abiding citizen and are ready to abide by the condition as imposed by Ld. Court. Hence, it was prayed that the accused petitioners may be granted bail.

On the other hand Ld. Counsel of the State has opposed the prayer for bail submitting that the offences are grave in nature, hence the bail petition of the petitioners may be rejected.

Heard, Submissions of both parties and perused the record. From perusal of record, it has been found that this case has been filed u/s 126(2), 115(2), 109, 303(2), 351(2), 352, 3(5) of BNS. That there is no specific allegation against any of the petitioner. That in whole fardbeyan/written statement, no overt act is alleged to be done by petitioners. That there is only one criminal antecedent of petitioners that too was of a non-cognizable and bailable offence. That there is case and counter case of alleged incident between both parties. So, considering the discussion made and under these circumstances, this court finds it proper **to allow** the bail petition of the petitioners **1.Baunu Yadav**, aged about 62 years, S/o Late Jibachh Yadav and **2.Pulish Yadav**, aged about 68 years, S/o Late Jibachh Yadav, Both resident of vill- Ghonahia, P.S. Bahera, Dist. Darbhanga. That in case of arrest or surrender within a period of three weeks of receipt of this order by the Ld. Court, the accused petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(Rs. Ten Thousands/-) with two sureties of like amount each to the satisfaction of the court and with the condition that accused petitioners shall cooperate in investigation and trial.

(Dictated and Corrected)

(Rishi Gupta)
Addl. Sessions Judge I,
Benipur
12.05.2026.