

IN THE COURT OF PRINCIPAL SESSIONS JUDGE
DISTRICT-GOPALGANJ

Regular Bail Petition No. 120 of 2026

*(Arising out of Yadavpur P.S. Case No. 26 of 2026, registered U/S 126(2), 115(2), 109(1),
351(2) and 352/3(5) of the B.N.S.)*

In the matter of :-

Name of the petitioner	: Rajeshwer Prasad.
F.I.R. U/S	: 126(2), 115(2), 109(1), 351(2) and 352/3(5) of the B.N.S.
Charge-Sheet U/S	: not submitted.
Counsel for the Petitioner	: Shri Rajesh Kumar Rai, Id. Adv.
Counsel for the State	: Shri Deo Vansh Giri, Id. P.P.

ORDER

22-05-2026

1. This Bail Application filed on behalf of above named accused-petitioner, who is in judicial custody since 07-02-2026, in connection with Yadavpur P.S. Case No. 26 of 2026, registered U/S 126(2), 115(2), 109(1), 351(2) and 352/3(5) of the B.N.S., is put up for hearing today.

2. As per the FIR, prosecution case in brief is that on the basis written application of the informant, Yadavpur P.S. Case No. 26 of 2026 has been lodged against the petitioner and others. It is inter alia alleged in the F.I.R. that on 05-02-2026 at about 08:00 am, informant was getting installed the pipe in the under constructed tank. In the meanwhile, petitioner along with other accused persons, who are pattidar of the informant, armed with lathi-danda and iron-rod came and while abusing made protest. When informant made protest, all the accused persons assaulted the informant with lathi-danda and iron-rod and she sustained severe injury and she fell down. Meanwhile, on hearing the alarm, informant's elder son Ravi Kumar rushed to save the informant, he was also assaulted by the accused persons. Meanwhile, from behind, accused Babuna Prasad, Chandrawati Devi and Golu Kumar armed with labada and bamboo came and while abusing, they assaulted the informant and her son. In the meantime, accused Dhananjay Kumar inflicted iron-rod blow on the head of the informant's son and he sustained bleeding injury on his head.

3. It is submitted on behalf of accused/petitioner that he is innocent and has committed no offence and has been falsely implicated in this case. It is further submitted that petitioner has got no criminal antecedent. It is further submitted that petitioner was taken by the police on the alleged date of occurrence only for enquiry but no F.I.R. was lodged on that day and after keeping the petitioner in illegal police custody for

(2/3)

Regular Bail Petition No. 120 of 2026

(Contd./22-05-2026)

three days, the F.I.R. was lodged and thereafter the petitioner was sent to jail which creates serious doubt. It is further submitted that on the alleged date of occurrence, wife of the accused Sanjay Prasad also submitted a written application before the police but till date no action was taken on the said application nor any F.I.R. was lodged which clearly reflects the gross negligence. It is further submitted that both the parties are close pattidars and there is land dispute between them. It is further submitted that accused persons were carrying out construction work on their own land, which illegally obstructed by the informant and her family members. It is lastly submitted that there is no independent witness and the dispute is purely civil in nature. On such strength, prayer for bail has been made by the petitioner.

4. Heard Id. Counsel appearing on behalf of the petitioner as well as Id. P.P. for the State. Id. P.P. for the State has opposed the prayer for bail of the petitioner.

5. Having heard both the parties and perused the case record along with case diary. From the perusal of the F.I.R as well as case diary, it transpires that although, petitioner is named in the F.I.R. but there is no specific allegation attributed against him rather the allegation is general and omnibus and both the parties are khas pattidar and owing to the dispute of installing pipe in the water tank, occurrence took place between the parties. Informant and witnesses at para-02, 19, 20 and 21 of the case diary have repeated the version of the prosecution and they have stated that both the parties are khas pattidar and due to the dispute of installing pipe in the water-tank, occurrence took place between the parties. From perusal of the injury reports of injured persons, it appears that injuries are found to be simple in nature. There is no mention of any criminal antecedent of the petitioner in the case diary. The petitioner appears to be in custody since 07-02-2026.

6. Considering the aforesaid facts and circumstances of this case and considering the fact that the above named petitioner had been granted provisional bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the Id. Court below on dated 18-02-2026 ***with condition that he shall remain present on each and every date till the disposal of this matter and he must appear before this court by next date, he shall not contact with the informant till the disposal of the matter with further condition that one of the***

(3/3)

Regular Bail Petition No. 120 of 2026

(Contd./22-05-2026)

bailors shall be close relative of the petitioner and one shall be local and at the time of hearing of this bail matter, petitioner was present. Therefore, considering the period of custody of the petitioner and without going into the merit of this case, the bail prayer of the petitioner is hereby confirmed and further condition shall remain unchanged.

Let a copy of this order be sent to the ld. Lower court for information and needful.

(Dictated)

(Geeta Gupta)
Principal Sessions Judge, Gopalganj.