

IN THE COURT OF ADDL. SESSIONS JUDGE II, JAMUI

Present : Sudhir Sinha, Addl. Sessions Judge, IIInd, Jamui

(A.B.A. No. 647/2026)

Arising out of Garhi P.S. Case No. 55 year 2026

Naresh Yadav and another Vs. State of Bihar

For Petitioners : Ld. Counsel Sri. Chanchal Kumar Dubey.

For The State : Ld. Addl. P.P. Sri. Manoj Kumar Singh.

Date of order : 30.05.2026

1. This is an anticipatory bail petition filed on behalf of petitioners namely **1. Naresh Yadav and 2. Babita Kumari @ Babita Devi** anticipating their arrest in connection with Garhi P.S. Case No. 55/2026 registered u/s-126(2), 115(2), 117(2), 118(2), 109(1), 351(2), 352 of B.N.S, the copy of which is served upon the ld. A.P.P.

2. The Ld. Counsel for the petitioners submitted that petitioners are quite innocent and have committed no offence and they have falsely been implicated in this case with an ulterior motive and no bail application on behalf of petitioners have been filed or rejected either by the Sessions Court or by the Hon'ble High Court Patna, earlier. It is submitted that petitioner no. 1 has got no criminal antecedents and petitioner no. 2 was once prosecuted in Khaira PS Case no. 146 of 2021 u/s 341/ 323/ 504/ 506 of IPC. It is further submitted that all the sections are bailable except section 109(1) of BNS, which is not made out and there is case and counter case in between the parties. Hence prayed to allow the anticipatory bail application of the petitioners.

3. On the other hand learned Addl. P.P. strongly opposed the bail application and prayed to dismiss the anticipatory bail application of the present petitioners.

4. Both parties heard in detail and record perused.

5. On perusal of case diary it is clear that on the basis of written information of Bipin Kumar Yadav, the Garhi P.S. Case No. 55/2026 was registered u/s- 126(2), 115(2), 117(2), 118(2), 109(1), 351(2), 352 of B.N.S, wherein he has stated that on 04.04.2026, his goat entered into the house of Arun Yadav and did damage something. Due to which Babita Devi wife of Arun Yadav started abusing his wife Mamta Devi. Suddenly Naresh Yadav, Chunchun Yadav, Pawan Yadav and Sunita Devi armed with lathi, danda, axe, bricks and stones came and attacked him and his wife with intention to kill. Naresh Yadav, Chunchun Kumar having tangi assaulted at the head of his wife, causing cut and she became unconscious and it started bleeding. There were 16 stiches applied at the head of his wife. After that the accused persons assaulted him causing cut at head and it started bleeding and many stitches were applied at the head. The witnesses in CD paras no. 06, 28, 29, 30 have supported the incident. This Court finds that there is allegation against the accused petitioner Naresh Yadav that he along with co-

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accused Chunchun Kumar assaulted to the wife of informant by means of axe upon her head. The head injury caused to the wife of informant is also corroborated by her injury report, however the nature of injury is reserved. Considering specific allegation of assault upon the head of wife of informant, this court is of the considered opinion that the accused petitioner no. 1 Naresh Yadav does not deserve the privileges of the anticipatory bail. Accordingly, anticipatory bail application of the accused petitioner namely **Naresh Yadav, is hereby rejected.**

6. So far the allegation against petitioner namely Babita Kumari @ Babita Devi is concerned it is apparent from the record that the allegation is found to be general and omnibus with no specific and overt act attributed against her. Accordingly, the accused/ petitioner no. 2 namely **Babita Kumari @ Babita Devi** in the event of her arrest or surrender is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the concerned Court and as per condition of Section 438(2) Cr.P.C.

Dictated

Addl. Sessions Judge - II, Jamui