

In the Court of Additional Sessions Judge - II, Patna
B.P. No.1268/2026.
Yogeshwar Rai and other **Petitioners.**
Vs.
The State of Bihar **Opposite party.**

Sr. No.	Date	Order with signature of the Court	Office taken Date	Action/s with
	<u>01.06.2026.</u>	This regular bail application has been filed on behalf of petitioners namely Yogeshwar Rai, Son of Late Bhauchand Rai and Bhola Rai, Son of Yogeshwar Rai, both R/O Ranipur, P.S. Phulwari Sharif, District Patna who are in custody since 10.04.2026 in connection with Phulwari Sharif P.S. Case No.592/2026 for the offence registered U/S 126(2), 115(2), 109, 303(2), 352, 351(2), 351(3), 3(5) B.N.S., pending in the court learned A.C.J.M.-IV, Patna. Heard the learned counsel for the petitioners as well as the learned Addl. P.P. for the state and perused the case-diary. The prosecution case as per written application submitted by the informant namely Arun Kumar before the S.H.O. Phulwari Shrif P.S., in brief, is that on the alleged date of occurrence at about 8.00 a.m. all the accused persons named in the F.I.R. including the petitioners came and assaulted the informant as well as Satish Kumar, Arman Kumar and Geeta Devi with Lathi, danda and iron rod as a result of which they all sustained head injuries. They took away gold ear-ring of the mother of the informant and assaulted her with sword with intention to kill her who was admitted in Patna AIIMS in serious condition. The accused persons always used to assault and give threatening to kill them. Learned counsel appearing on behalf of the petitioners has submitted that the petitioners have been dragged in this case due to ulterior motive of the informant. Nothing incriminating article has been recovered from possession of the petitioners. Both parties are own Gotia and land dispute is going on between both the parties. There is case and counter case between both the parties. In this case all sections are bailable except section 109, 303(2) BNS which are not attracted against the petitioners under the facts and circumstances of the case. Injuries caused on the person of the injured persons are more or less simple in nature caused by hard and blunt object. Apart from that matter has been compromised between the parties amicably outside the court. In support of which certified copy of compromise petition duly signed by both the parties and their respective counsels has been filed. The petitioners are languishing in custody since 10.04.2026. The petitioner Yogeshwar Rai has got no criminal antecedent while the petitioner Bhola Rai has got only one criminal antecedent as para-03 of their bail petition in which he is on bail. Hence taking into consideration all the facts and circumstances of the case, the petitioners deserve to be released on bail. On the other hand learned Addl. P.P. opposed the prayer for bail of the petitioners contending that investigation against the petitioners is still continuing. Heard both sides, perused the record, case-diary and other		

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materials available on the record. The allegation brought against the petitioners is that they assaulted the informant and others with lathi, danda, iron rod and sword and committed theft of gold ear-ring of the mother of the informant. There is no specific allegation of any overt act against the petitioners, rather allegation is general and omnibus in nature. The injuries caused on the person of the injured persons are more or less simple in nature caused by hard and blunt object. Nothing incriminating article has been recovered from possession of the petitioners. Both parties are own family members and there is case and counter case between them. Besides matter has been compromised between both the parties amicably outside the court. In support of which certified copy of compromise petition duly signed by both the parties and their respective counsels has been filed. The petitioners are languishing in custody since 10.04.2026. The petitioners have got no criminal antecedent vide Para-25 of the case-dairy.

Thus, considering the aforesaid facts and circumstances of the case, nature of allegation, the period of custody undergone by the petitioners and also the fact that matter has been compromised between both the parties amicably, both the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Patna.

Dictated,

Sd/-

Addl. Sessions Judge-II, Patna.

01.06.2026.

Date of Judgment/Order	01-06-2026
Date of Reserving Judgment/Order	01-06-2026
Uploading Date	01-06-2026
Uploaded by	Niranjan Kumar Ojha

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