

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE- X
Anticipatory Bail Petition No.- 449/2026
In connection with Banmankhi, P.S. Case No. - 43/2026
Shankar Yadav@Shankar Kumar & 03 Others V/S State
Date of order – 05.05.2026

Present:- Mukesh Kumar - II
District & Additional Sessions Judge-X
District:- Purnea

1. **Shankar Yadav @ Shankar Kumar, aged about 40 years, S/o – Late Vidya Nand Yadav.**
2. **Shashi Kala Devi, aged about 72 Years, W/o- Late Vidya Nand Yadav.**
3. **Sethu Kumar @ Prince Badal, aged about 22 years, S/o- Late Vidya Nand Yadav.**
4. **Kailu Yadav @ Saheb, aged about 20 years, S/o- Late Mintu Yadav @ Diwakar Yadav.**

All Resident of Vill. – Maharajganj-2, P.S. - Banmankhi, Dist- Purnea.

.....Petitioners

V/s

State Of BiharO.P.
Ld. Counsel for the petitioner.....Ld. Adv Sri Rajeev Kumar Karn.
Ld. Counsel for the State.....Ld. A.P.P. Sri Awdhesh Tiwari.

ORDER

1. The petitioner has filed this anticipatory bail application who is apprehending his arrest in connection with **Banmankhi, P.S. Case No. - 43/2026, U/S 191(2), 191(3), 190, 126(2), 115(2), 352, 351(2), 305, 61(2) 318(4), 333, 118(1), 3 (5) of BNS.**
2. The prosecution story in brief is that the complainant purchased 0.10 decimal land in Mouza Maharajganj, Thana no. 100, Khata no. 735, Khesra no. 1635 from the father of accused no. 15 & 17 and husband of accused no. 16, Vidya Nand Yadav, through Registered Sale Deed no. 6209 dated 03.08.2012 and was given peaceful possession, but later he came to know that the land was actually Bihar Sarkar land and the accused persons had conspired with Vidyanand Yadav to illegally sell government land to him. It has further alleged that on 10.02.2025 at 10:00 A.M. all the accused assaulted to the complainant and his family

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members and torn the cloths of complainant's wife and took away his household articles, threatened to kill him, and when he approached the local police no action was taken, due to which he filed the complaint directly before the court.

3. Ld. Counsel appearing on behalf of petitioner has submitted that the petitioner has not filed any regular or anticipatory bail application earlier in this court or before Hon'ble High Court, Patna. The petitioners is quite innocent and petitioner has been falsely implicated in this case due to land dispute. It has further submitted that father of the petitioner no.1 & 3, husband of petitioner no. 2 had sold the said land 14 years ago and gave him possession over it and he was enjoying over the said land. The father of the petitioner no. 1 & 3 and husband of the petitioner no.2 died earlier and the blood relation of the informant disturbed in his possession. All the allegations levelled against the petitioners are false and concocted which have been purposely added to implicate the petitioners in this case. Therefore, the petitioners may be granted anticipatory bail.

4. The Ld. A.P.P and Ld. Counsel for informant vehemently opposed the prayer of bail of the petitioner.

5. Heard both the parties and perused the case record. From perusal of case record it transpires that this case has been registered on the basis of complaint petition. The accused petitioner is named in the FIR. The main allegations against the petitioners is that father of the petitioner no.1 & 3, husband of petitioner no. 2 had sold the land in question which is government land to the complainant conspired with the petitioners and after death of seller, the petitioners tried to drive the complainant out of her village and in this sequence the accused petitioners assaulted to the complainant and his wife and son and torn the cloths of his wife and took away his household articles and threatened to kill him. Further it appears

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that the complainant/informant supported his case in her re-statement vide para-5 of the case diary. The witnesses in para- 6, 8, 9 and 10 have only supported the incident of assault, abuse and destruction of garden shrub of the complainant and dispute regarding land. However, in their statement they denied the incident of theft, tearing of the cloths of informant's wife and threat. Further it appears that seller of the land in question has been died earlier. The informant as well as witnesses in para-5, 6, 8, 9 and 10 has also not attributed specific role of the accused petitioners. There is no any injury report available on record. further it appears that there is land disputed between the parties and not a single documents filed on behalf of the informant/complainant in support of his claim as alleged in the complaint petition. Further it appears that the sale deed was executed on 03 August 2012, whereas this case was filed on 06.06.2025 after laps of 12 years. Furthermore, there was a delay in FIR about four months from the present occurrence. As per para-24 of the case diary petitioner no.1 have only criminal history and other petitioners have clean criminal antecedent. The investigation against the accused petitioners is still on going.

Considering the above facts and circumstances of the case, omnibus allegation and land dispute, the court is inclined to grant privilege of anticipatory bail to the petitioners. Accordingly, this anticipatory bail petition of the above named petitioners is here by **allowed**. In the event of arrest or surrender of the petitioners within four weeks from the date of this order, the petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the Ld. Trial Court, subject to the conditions as laid down U/S 482(2) of the BNSS. Further subject to following conditions :-

- (i) ***One of the bailor should be close relative of the petitioners.***
- (ii) ***The petitioners shall cooperate with investigation and shall appear before the investigating officer as and when required.***

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- (iii) *That petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the fact of the case.*
- (iv) *The petitioners shall maintain peace and good behavior and shall not involve himself in any similar offence.*
- *File be consigned to the record room and that of trial court record be sent back with a copy of this order.*

Dictated & Corrected by me

Sd/-
D.A.S.J. -X, Purnea
Dated. 05.05.2026

Date Of Order	05/05/2026
Date of Reserving Order	N/A
Uploading Date	05/05/2026
Uploaded by	Steno of the court I/c – Ganesh Kumar