

COURT OF DISTRICT & ADDL. SESSIONS JUDGE III, SAHARSA
Present- Chandan Kumar

A.B.A. No.-272/2026
Arising out of Salkhua PS Case No.- 22/2026

Lalan Yadav & another

Petitioners

Versus

State of Bihar

Opp. Party

Date of order or proceeding	Order with signature of the court	Office action taken with date
21.05.2026	1. The present anticipatory bail application has been filed on behalf of accused petitioners namely 1. Lalan Yadav and 2. Gaurav Kumar @ Raja Kumar apprehending their arrest in connection with Salkhua PS Case No.-22/2026 for the offences punishable u/s 115(2), 126(2), 127(2), 118(1), 74, 303(2), 351(2), 352, 3(5) of BNS. Put up for hearing. 2. Heard Sri Navin Kumar, learned counsel for petitioners as well as Sadanand Yadav, learned A.P.P. for the State. 3. The case of prosecution in brief as per written information of Meera Devi is that on 14.02.2026 at about 02:00 PM she was on way for feeding cattle and in said course near the house of Mithilesh Mukhiya located near the paved road all of a sudden accused persons said to be co-villagers namely 1. Sawan Kumar, 2. Gaurav @ Raja Mukhiya, 3. Kittu Kumar, 4. Lalan Yadav and 5. Anju Devi along with one unknown person having common intention intercepted her, and started using abusive language. Further on being objected, Lakhan in a fit of rage incited Rana Kumar to attack upon which Rana Kumar made blow with an iron rod, resulting into cut and a broken bone of his right hand leading to her fall on the ground. Further it is alleged that in said	

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contd. 21.05.2026	course of assault Sawan Kumar snatched gold and silver articles. Further during course of incident Kunkun Yadav, Suman Kumar Lalit Yadav and Ravisha Devi came to her rescue who too have been subjected to assault in which Gaurav @ Raja gave blow of iron rod on the head of Kunkun Yadav while other accused persons dragged her daughter-in-law Ravisha Devi by pulling her hair. Further allegation is that accused persons also assaulted her son Suman and thereafter they were treated at Salkhua Hospital and then Kunkun Yadav was forwarded to Sadar Hospital Saharsa. Ravisha Devi and Suman Kumar were also subjected to physical assault with sticks and fists resulting in a broken bone of left hand of Suman Kumar. 4. Counsel for the petitioners have argued that earlier no bail petition either regular or anticipatory has been filed in this Court or before the Hon'ble High Court. Further he submitted that there is no specific allegation against the petitioners, rather the allegations are general and omnibus and have been implicated on account of pre-existing enmity. Further it is submitted that petitioners are having one antecedent vide Salkhua PS Case No.-147 of 2019 in which he is on bail. Further he submitted that the present case is cross version of Salkhua PS Case No.-23 of 2026 for the incident of same date and time instituted on the written information of Anju Devi wife of one of the accused petitioner named Lalan Kumar. Petitioners are ready to furnish the sound sureties to the full satisfaction of the Court. Lastly, it is	
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contd. 21.05.2026	stated that the petitioner deserve bail. 5. Learned A.P.P. opposed the prayer for bail. Learned counsel for the informant has submitted that although the case has been registered for the offences punishable under Section 115(2), 126(2), 127(2), 118(1), 74, 303(2), 351(2), 352, 3(5) of BNSS but the IO in his supervision note has stated on the offence of Section 109(1) of BNS as well. 6. Perused the record. On perusal of the record, it appears that the present case has been registered for the alleged offence under Section 115(2), 126(2), 127(2), 118(1), 74, 303(2), 351(2), 352, 3(5) of BNS out of which all the offences are bailable except Section 118(1), 74 and 303(2) of BNS. Further from para 28 it appears that there is a cross case being Salkhua PS Case No.-23 of 2026 for the same incident with a different version instituted of which informant Anju Devi said to be wife of one of the accused petitioner named Lalan Kumar and in the joint supervision note of both the cases it is mentioned that is several persons from both the sides got injured. Furthermore the injury reports of the injured of the present case shows that the injury on the person of four injured were simple caused by hard and blunt substance including that of Kunkun Yadav who has sustained lacerated wound of size 1-1/2" x 1/4" x 1/4" on right side of parietal region and it is pertinent to mention that he has not undergone CT scan despite being advised by the doctor to do so. Further the injuries of Meera Devi is although grievous but the same are not	
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contd. 21.05.2026	on vital part attracting only section 118(3) of the BNS for that injury. Beside that at this stage it could not be determined as to which side was aggressor. Further as per the case diary the petitioners have clean antecedent as per them they have one criminal antecedent. 7. Considering the injuries of the injured of the present case the accused petitioners namely 1. Lalan Yadav and 2. Gaurav Kumar @ Raja Kumar are directed to be released on bail in the event of their arrest or surrender on execution of the bail bonds of Rs.10,000/- (ten thousand) with two sureties each in the like amount by each of them within four weeks of the receipt of this order to the satisfaction of the learned court below subject to the conditions as laid down u/s 482(2) BNSS. (Dictated & corrected by me) Sd/- (Chandan Kumar) Additional Sessions Judge-III	
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