

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25955 of 2024

Arising Out of PS. Case No.-675 Year-2022 Thana- MADHEPURA District- Madhepura

1. Bisho Yadav @ Visho Yadav Son of Late Shree Prasad Yadav
2. Bijli Yadav Son of Bisho Yadav,
Both are resident of Village- Harinagar (Charaiya), Police Station-
Madhepura (Parmanandpur O.P.), Dist.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivekanand Singh, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2024 Heard Mr. Vivekanand Singh, learned counsel
appearing on behalf of the petitioners and Mr. Shahabuddin
Azeem @ S. Azeem, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with
Madhepura (Parmanandpur O.P.) P.S.Case No.675/2022
registered for the offences punishable under Sections 341, 323,
325, 354-B, 307, 379, 504 and 506/34 of the Indian Penal
Code .

3. As per the allegation made in the FIR, all the
accused persons including the petitioners with a common
intention to kill the informant and his father-in-law had
assaulted brutally, who sustained injury and they had also



outraged the modesty of the female members of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that so far as petitioner no.1 is concerned, he had assaulted the father-in-law of the informant by means of spear, who sustained head injury. While the allegation against the petitioner no.2 is concerned, he had assaulted on the left hand of the father-in-law of the informant with the iron rod.

5. Learned counsel further submitted that in the FIR though it has been informed that due to previous enmity, the present case has been lodged against the petitioners. The petitioners had allegedly compelled the informant to compromise the case but that have not been done as a result, the present case has been lodged by the informant.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

7. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the injury sustained by the father-in-law of the informant on his head is simple in nature while the injury on the left arm is grievous, which is not the vital part of the body. Petitioner no.1 has one criminal antecedent and as per the submission of the learned counsel for the petitioners, that is because earlier the informant had filed a



case against the petitioners and their family members, the learned district court is directed to call for the records of the earlier case, which is pending in the concerned district court and verify as to whether the submissions made on behalf of the petitioners is correct and if it is found that no case has been lodged, the petitioner no.1 (Bisho Yadav @ Visho Yadav) is directed to be released on pre-arrest bail in connection with Madhepura (Parmanandpur O.P.) P.S.Case No.675/2022 subject to condition as laid down under Section 438(2) of the Cr.P.C. and the learned district court deems fit and proper.

8. So far as petitioner no.2 (Bijli Yadav) is concerned, in want of any specific allegation that he is one, who has assaulted the father-in-law of the informant, I am inclined to enlarge the petitioner no.2(Bijli Yadav) on pre-arrest bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Mrs. Binita Shankar, Judicial Magistrate 1st Class, Madhepura/concerned court, in connection with Madhepura (Parmanandpur O.P.) P.S.Case No.675/2022, subject to conditions as laid down under Section 438(2) of the Cr.P.C.



9. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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