

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25303 of 2024**

Arising Out of PS. Case No.-806 Year-2023 Thana- BANKA District- Banka

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Mahesh Yadav, aged about 21 years, Male Son of Dayal Yadav, Resident of  
Village- Haripur P.S. + District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND  
MALVIYA**

ORAL ORDER

2      09-04-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Banka  
PS Case No. 806 of 2023 instituted for the offences punishable  
under Sections 147, 148, 149, 341, 323, 325, 307, 504, 506 and  
379/34 of the Indian Penal Code and Section 25 of the Cattle  
Trespass Act.

3. As per the prosecution case, the petitioner and  
others were grazing cattle on the paddy field of informant  
Devendra Yadav. When the informant protested, then co-  
accused Pappu Yadav gave several Lathi blow on the head of  
informant. When the informant's son Brajesh Kumar and elder  
brother Dinesh Yadav intervened in rescue, then co-accused



Kundan Yadav gave Khanti blow on the head and on the right hand of Dinesh Yadav and the petitioner and co-accused persons caused hurt on the head of Brajesh Yadav. In the meantime, co-accused Pappu Yadav committed theft of silver chain of Brajesh Kumar.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case due to previous enmity. There is no specific allegation alleged against the petitioner. He further submits that all sections are bailable except Section 307 and 379 of the IPC which is not applicable against the petitioner. Petitioner is in custody since 25.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Sessions Judge, Banka dated 17.02.2024, it appears that petitioner along with co-accused persons caused hurt to the informant Devendra Yadav, his son Brajesh Yadav and his brother Dinesh Yadav by means of Khanti and Lathi. There is general and omnibus allegation against the petitioner assaulted by Lathi by other co-accused persons. Perusal of the impugned order, it also appears that only injury of the injured Dinesh Yadav is grievous in nature and the allegation against the



petitioner is general and omnibus in nature, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 806 of 2023.

**(Ramesh Chand Malviya, J)**

Anand Kr.

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