

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86215 of 2024

Arising Out of PS. Case No.-254 Year-2024 Thana- MAHISHI District- Saharsa

Yogendra Khirhar @ Yogendra Yadav, S/O Late Sahdeo Khirhar @ Shadev
Yadav, Resident of Village- Mahpura, P.S- Mahishi, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner and Mr. Tarun
Prasad Mandal, learned APP for the State.

2.The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection with
Mahishi P.S. Case No.254 of 2024 instituted for the offence under
Sections19(2), 126(2), 127(2), 74, 115(2), 324(4), 303(2), 109,
352, 351(2) of Bhartiya Nyaya Sanhita (B.N.S.), 2023.

3. The case of the prosecution is that the petitioner
along with others being armed with lathi-danda assaulted the
informant. The specific allegation against this petitioner is that
when Samlesh Khirhar and Rudal Khirhar came to rescue, they
were being assaulted by Lalan Khirhar, Yogendra Khirhar
(petitioner), Narayan Khirhar, Chhotan Khirhar and Neeraj
Khirhar with iron rod on their head.

4. Learned counsel appearing on behalf of the petitioner



has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. From perusal of the injury report which is Annexure-P2 and P2/1, it will transpire that the nature of injury is simple caused by hard and blunt substance. The nature of allegation is not specific rather the same is general and omnibus. Petitioner is having criminal antecedent of two cases out of which in one case, he is on bail and in another case, police has submitted final form.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Mahishi P.S. Case No. 254 of 2024, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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