

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1409 of 2025

Arising Out of PS. Case No.-396 Year-2024 Thana- GHORASAHAN District- East
Champaran

Subhash Kumar Yadav @ Subhash Yadav S/o- Chhathu Ray Resident of
village - kaswa, kadamwa, P.S - Ghorasahan, Dist- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Ghorasahan P.S. Case No. 396 of 2024 registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 117(2), 117(2), 109, 308(2), 303(2), 352, 351(2) of the Bhartiya Nyay Sanhita (in short the 'B.N.S.').

3. The allegation against petitioner is to commit robbery along with other named co-accused persons and while committing so, assault the informant and looted cash of Rs. 5000/- from the pocket of the informant.

4. Learned counsel appearing on behalf of the



petitioner submitted that both parties belong from same village and out of previous enmity, petitioner was implicated with this case. It is further submitted that allegation, as raised against this petitioner, is very much general and omnibus in nature.

5. It is submitted that matter appears compromised between the parties for which the present implication was raised, but considering exclusively criminal antecedent of the petitioner, his prayer of anticipatory bail was rejected by the learned trial court.

6. In this context, it is submitted that if the merit of case *qua* petitioner is convincing and suggesting balance in his favour, merely on the basis of criminal antecedent, the prayer of bail should not be denied. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of Uttar Pradesh & Anr.** reported in **(2020) 11 SCC 648.**

7. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.



8. In view of the aforesaid factual submissions and by taking note of the fact as allegation *qua* petitioner is very much general and omnibus, where the core issue between the parties appears compromised as per Annexure P/3 of the present application, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - III, Sikrahana at Dhaka, East Champaran, Motihari/concerned court in connection with Ghorasahan P.S. Case No. 396 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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