

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3515 of 2025

Arising Out of PS. Case No.-226 Year-2024 Thana- BELHAR District- Banka

1. Nakul Yadav Son of Dhaturi Yadav Village- Lalmatiya PS- Belhar District -Banka
2. Chandan Yadav @ Chandan Kumar son of Nakul Yadav Village- Lalmatiya PS- Belhar District -Banka
3. Kundan Yadav @ Kundan Kumar son of Nakul Yadav Village- Lalmatiya PS- Belhar District -Banka
4. Meghni Devi wife of Nakul Yadav Village- Lalmatiya PS- Belhar District -Banka

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-02-2025 Heard Mr. Brij Nandan Prasad, the learned counsel
for the petitioners and Mr. Uma Shankar Prasad Singh, the
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Belhar PS Case No. 226 of 2024, FIR dated
14.07.2024, registered for the offences punishable under
Sections 126, 115(2), 110, 303(1), 352, 351(2) and 303(2) of the
B.N.S.

3. According to the prosecution case, while the
informant along with others was on the way to Lalmatiya



village, the petitioners assaulted the informant and his sister and also snatched a silver chain of informant's sister.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case and the allegation levelled against the petitioners is false and fabricated and it also appears from the FIR that there is no specific allegation of any assault or overt act attributed against the petitioners, rather there is general and omnibus allegation against all the co-accused persons including the petitioners. He further submits that the main allegation is levelled against co-accused persons namely, Chandan Kumar and Kundan Kumar, that they have assaulted the informant by means of *lathi*. He lastly submits that although informant has received the injury, but the injury report of informant suggests that injury is simple in nature caused by hard and blunt substance.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent and injury inflicted upon the informant is found to be simple in



nature, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, where the case is pending in connection with **Belhar PS Case No. 226 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have



concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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