

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4266 of 2025

Arising Out of PS. Case No.-88 Year-2024 Thana- DHANKUND District- Banka

1.

Santosh Yadav Son of Late Bauni Yadav Resident of Village- Kathara, Police Station -Dhankund, District -Banka
2.

Vadri Yadav @ Badari Yadav Son of Late Bauni Yadav Resident of Village- Kathara, Police Station -Dhankund, District -Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar, Advocate
For the Informant	:	Mr. Praveen Kumar, Advocate
		Mr. Ravi Prakash Dwivedi, Advocate
For the State	:	Mrs. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 13-05-2025 Heard Mr. Pawan Kumar, the learned counsel appearing on behalf of the petitioner, Mr. Praveen Kumar, the learned counsel for the Informant and Mrs. Meena Singh, the learned Additional Public Prosecutor for the State.

2. The petitioners seeks regular bail in connection with Dhankund P.S. Case No. 88 of 2024, registered for the offences punishable under Sections 191(2) (147 IPC), 190 (149 IPC), 126(2) (341 IPC), 115(2) (323 IPC), 109(1) (307 IPC), 74 (354 IPC), 303(2) (379 IPC) , 352(2) (504 IPC), 351(2) (506 IPC) of the B.N.S. Petitioners have clean antecedent.

3. The prosecution case is to the effect that the informant has alleged that the two accused persons including the



petitioners had threatened the informant and others that they would be eliminated and on the subsequent date, i.e., 30.08.2024, all the FIR named accused persons had come to the house of the informant, armed with deadly weapons and it is alleged that the co-accused Ajay Yadav assaulted one Ashok Yadav (informant's husband) by means of iron rod and subsequently, the other co-accused, namely, Fantush Yadav also assaulted the informant's husband and he fell unconscious. The informant has further stated that when the informant and her bhaisur, Gopi Yadav intervened, the other accused persons, namely, Gulsan Yadav, Sunil Yadav, Fantush Yadav and Vadri Yadav (petitioner no.2) by means of lathi, had assaulted her and had even snatched away her silver jewellery and other documents from the box.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The learned counsel has further submitted that there is no specific allegation of assault upon the petitioner no.1 from plain reading of the FIR. As far as petitioner no. 2 is concerned, the learned counsel has stated that there is an allegation of assault upon the informant and her bhaisur, however, there is no injury report of the informant and her bhaisur on record which



falsifies the allegations made against the petitioner no. 2. Learned counsel further submits that petitioners have clean antecedent and they are in custody since 27.09.2024.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that the petitioners along with other named co-accused persons have assaulted the husband of the informant as well as others and also caused the death of the husband of the informant, as such they should not be granted the liberty of bail.

6. Considering the aforesaid submissions made by the parties and taking into account that there is no specific allegation of overt act against the petitioners and also considering the period of custody, I am inclined to grant the petitioners privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioners, above named, be released on 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 court of learned Additional Chief Judicial Magistrate-III, Banka, in connection with Dhankund P.S. Case No. 88 of 2024, subject to the following conditions:-



(i) One of the bailors of the petitioners shall be his close relative and the other shall be local resident.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds 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.

(Sourendra Pandey, J)

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