

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3928 of 2025**

Arising Out of PS. Case No.-428 Year-2024 Thana- SAUR BAZAR District- Saharsa

1. Santosh Yadav Son of Umesh Yadav
2. Vijendra Yadav Son of Late Laxmi Yadav
3. Jairam Yadav @ Jai Jai Ram Yadav Son of Late Laxmi Yadav  
Above all Resident of Village - Sahuriya East, P.S. - Sour Bazar, District - Saharsa
4. Shankar Yadav Son of Late Ramavtar Yadav
5. Surendra Yadav @ Surendra Rai Son of Narayan Rai  
Both Resident of Village - Khureshan, P.S. - Salkhua, Banma Ithari, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashish Kumar Sinha, Advocate  
For the Opposite Party/s : Mr.Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      12-02-2025                      Heard   Mr.Ashish Kumar Sinha, learned counsel for  
  
the petitioners and Mr.Ajit Kumar, learned Additional Public  
  
Prosecutor for the State.

2. The petitioners are apprehending their arrest in  
connection with   Sour Bazar P.S.Case No.428 of 2024, FIR  
dated 01.08.2024 registered for the offences punishable under  
Sections   126(2),115(2),118(1),117(2),352,3(5)   of   Bhartiya  
Nyaya Sanhita, 2023.

3. As per FIR there is allegation against the accused-  
petitioners and co-accused that they along with others four



named accused armed with weapon, iron rod and lathi assaulted the informant Pramod Yadav at his head and right hand and they also assaulted with kicks and punches.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Although petitioners are named in the FIR but from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is specific allegation of assault or overt-act attributed against the co-accused persons, namely, Sujit Yadav and Ranjit Yadav and due to admitted land dispute, the present occurrence had taken place and one Title Suit No.122/1997 is pending between the family members of the informant and family members of the petitioners.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent and there is no specific allegation of any assault or overt-act attributed against the petitioners, let the petitioners, above named, in the event of their arrest or



surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned A.C.J.M.-II, Saharsa in connection with Sour Bazar P.S.Case No.428 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

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

(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 court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below 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)**

Nitesh/-

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