

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8770 of 2025

Arising Out of PS. Case No.-271 Year-2024 Thana- KATIHAR MUFFASIL District- Katihar

1. Chhotu Yadav @ Chhotu Kumar Yadav @ Chhatu Yadav Son of Tulanand Yadav Resident of Village- Kadeपुरa, P.S.- Muffasil, District- Katihar
2. Sanjay Yadav Son of Tulanand Yadav Resident of Village- Kadeपुरa, P.S.- Muffasil, District- Katihar
3. Bishnu Yadav @ Bishnu Kumar @ Bishnu Kumar Yadav Son of Tulanand Yadav Resident of Village- Kadeपुरa, P.S.- Muffasil, District- Katihar
4. Tulanand Yadav Son of Late Jagdish Yadav Resident of Village- Kadeपुरa, P.S.- Muffasil, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sita Devi Wife of Late Bhagwan Thakur Resident of Village- Kadeपुरa, P.S.- Muffasil, District- Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Narayan Yadav, Adv
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-03-2025 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioners are named in the

F.I.R. and apprehended their arrest in connection with

Katihar (Muffasil) P.S. Case No. 271 of 2024 registered for

the offences punishable under Sections 126(2), 115(2),

118(1), 109, 303(2), 352, 351(2) & (3), 3(5) of the B.N.S.



3. The allegation against the petitioners is to assault informant and her son by using knife on the left and right side of face causing head and other bodily injuries. It is also alleged that assault was made with an intention to cause their death.

4. Learned counsel appearing on behalf of the petitioners submitted that from the facial perusal of FIR the allegation to assault informant is available against accused-petitioners Chhotu Yadav and Uma Devi by using knife. Assault was alleged to be made on the face of the informant, repeatedly. It is submitted that if, allegation is correct then multiple incised wound to be found on the face of informant, but upon medical examination alleged injury found to be caused by hard and blunt substance, which was abrasion and depression wound. It is submitted that co-accused Uma Devi has already granted bail by learned Trial Court itself but on the ground of parity prayer for bail of co-accused Chhotu Yadav was not appreciated in the correct perspective, by denying his prayer of anticipatory bail. In this context, it is further submitted that the allegation regarding rest of the



petitioners is to assault the son of informant namely Deepak Kumar Thakur, where, upon medical examination three injuries were found, which of simple in nature. It is further submitted by learned counsel that having considering the nature of injuries it cannot be said that petitioners were under intention to cause death of the injured or the injuries as caused by them appears dangerous to life in ordinary course of nature. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court in the case of **Jage Ram Vs. State of Haryana, (2015) 11 SCC 366.** While concluding the argument it is submitted that petitioners are of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of the aforesaid facts and circumstances and by taking note of fact as judicial discipline demands parity for, petitioner Chhotu Yadav, whereas nature of injury which alleged to be caused by rest of three petitioners appears, simple, prima-facie denying intention to cause death, accordingly all above named four petitioners, in the event of



their arrest or surrender before the learned trial court within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Katihar/concerned trial court where the case is pending in connection with Katihar (Muffasil) P.S. Case No. 271 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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