

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11262 of 2025

Arising Out of PS. Case No.-275 Year-2024 Thana- KHANPURA District- Samastipur

1. Madan Prasad Yadav S/O Late Ram Prakash Yadav R/O Village- Simraha, P.S- Khanpur, District- Samastipur.
2. Awadhesh Yadav @ Awadhesh Kumar Singh @ Abdhesh Kumar S/O Bindeshwari Prasad Yadav R/O Village- Simraha, P.S- Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 16-04-2025 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Khanpur P.S. Case No. 275 of 2024 instituted for the offences under Sections 109, 126(2), 115(2), 308(3), 118(1), 303(2), 117(2), 352, 351(2), 3(5) of the B.N.S., 2023.

3. As per prosecution case, the accusation against the accused persons including the petitioners is of assaulting the Informant by means of bricks, kicks and fists, causing serious injuries. It is also alleged that the petitioner Madan Prasad Yadav, with an intention to kill, assaulted by sword upon the head of the Informant due to which he sustained grievous injury



on his head.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. Learned counsel for the petitioners submits that though there is allegation against the petitioner no.1 of assaulting by sword upon the Informant but, there is no specific or direct allegation of any overt act against the petitioner no.2 rather the same is general and omnibus in nature. He further submits that the injury report negates the prosecution version as from perusal of the same it appears that there is no fracture on the skull and the shoulder of the Informant. He further submits that there is no repetition of blow by the petitioner no.1 and, hence, no case under Section 109 of the B.N.S. is made out. The petitioner no.1 has three criminal antecedents whereas the petitioner no.2 has no criminal antecedent and are languishing in judicial custody since 12.12.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged against the petitioners is serious in nature. Learned counsel for the State



submits that there is specific and direct allegation of assault by means of sword upon the head of the Informant. The petitioners are named in the F.I.R. and, hence, they do not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner no.2 and there being no direct and specific allegation against the petitioner no.2, let the petitioner no.2, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khanpur P.S. Case No. 275 of 2024.

7. However, there being direct and specific allegation against the petitioner no.1 of assaulting by means of sword upon the head of the Informant, this Court is not inclined to grant bail to the petitioner.1.

8. Accordingly, the prayer for bail of the petitioner no.1, above named, is hereby rejected.

(Rudra Prakash Mishra, J)

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