

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15272 of 2025

Arising Out of PS. Case No.-492 Year-2024 Thana- SULTANGANJ District- Bhagalpur

1. Sumit Kumar @ Sumit Yadav @ Amarjeet Yadav S/o- Chhanguri Yadav Village- Pen Tilakpur Ps- Sultanganj Dist- Bhagalpur
2. Khiro Yadav S/o- Late Gaibi Yadav Village- Pen Tilakpur Ps- Sultanganj Dist- Bhagalpur
3. Chhanguri Yadav S/o- Late Gaibi Yadav @ Late Gebi Yadav Village- Pen Tilakpur Ps- Sultanganj Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bachan Jee Ojha, Advocate
For the Opposite Party/s :	Mr. Harendra Prasad, APP
For the Informant :	Mr. Anuj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-05-2025 Heard Mr. Bachan Jee Ojha, learned counsel for the petitioners, Mr. Anuj Kumar, learned counsel for the Informant and Mr. Harendra Prasad, learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner no.1, namely, Sumit Kumar @ Sumit Yadav @ Amarjeet Yadav.

3. Permission is accorded.

4. This application with respect to petitioner no.1, namely, Sumit Kumar @ Sumit Yadav @ Amarjeet Yadav is



dismissed as withdrawn.

5. The petitioners are apprehending their arrest in connection with Sultanganj P.S. Case No. 492 of 2024, F.I.R. dated 19.10.2024 for the offences punishable under Sections 115(2), 126(2), 109, 117(2), 3(5) of Bharatiya Nyay Sanhita.

6. According to prosecution case, the informant alleged that the petitioners assaulted him and his brother and nephew.

7. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Although the petitioners are named in the FIR but specific allegation of assault or overt act is attributed against co-accused person, namely, Khiro Yadav that he assaulted to one Bihari Yadav and his injuries are as follows:-

i. Swelling in right side forehead size of $\frac{1}{2}$ cm long $\frac{1}{4}$ cm high.

ii. Swelling and abrasion in right hand arm and forearm.

8. Learned counsel for the petitioners submit that the injury sustained by the injured persons is grievous in nature due to fracture in hand, which is not vital part of the body and apart from that there is case and counter case between the parties.



9. The learned Additional Public Prosecutor and learned counsel for the Informant have vehemently opposed the prayer for bail of the petitioners.

10. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and injury is although grievous but not in vital part of the body, let the petitioners, above named, in the event of 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 the learned A.C.J.M-II, Bhagalpur in connection with Sultanganj P.S. Case No. 492 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 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 bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 antecedent, 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)

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