

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18425 of 2025

Arising Out of PS. Case No.-20 Year-2024 Thana- Khawaspur District- Bhojpur

Pawan Yadav @ Pawan Kumar Yadav @ Pawan Kumar Son of Ram Bhajan
Yadav Resident of Village - Bhagwanpur Ke Dera (Tola), P.S. - Khawaspur,
District – Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Informant : Mr. Abhay Kumar Singh, Advocate
Mr. Praveen Prabhakar, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

02. In the present case, the petitioner seeks bail in connection with Khawaspur P.S. Case No. 20 of 2024 registered for the alleged offences under Sections 126(2), 115(2), 109, 303(2), 352, 351(2) (3)/3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the petitioner and other co-accused persons surrounded the informant and assaulted him with *khanti*, *dab* and rod, causing fracture of the head of the informant. The allegation against the petitioner is that he snatched the gold chain from the neck of the informant and another co-accused snatched the mobile phone from the



informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR, it is apparent that there are altogether six accused persons and specific allegation of assault is against co-accused Ramdeo Yadav, Anup Yadav and Subh Lal Yadav but there is no allegation of assault against this petitioner. The petitioner has been falsely dragged in this case even when he was not present in his village on the date of occurrence as he was out of State for his personal work. Learned counsel further submits that moreover, the informant was examined and injuries were found to be simple in nature. Learned counsel further submits that the parties are agnates and due to partition dispute, some altercation took place between the parties in which the informant fell down and received some simple injuries. Learned counsel further submits that the petitioner is having antecedent of four cases and in one such case, the police has submitted final form and in other cases, the petitioner is on bail. The petitioner is in custody since 22.12.2024 and charge-sheet has been submitted.

05. Learned APP for the State as well as learned counsel for the informant vehemently oppose the prayer for bail.



Learned counsel for the informant submits that though the injuries are simple but they are on vital part which is head of the informant and could have been fatal.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the simple nature of injuries of the informant and also considering the fact that there is no specific allegation of assault against this petitioner and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Bhojpur at Ara in connection with Khawaspur P.S. Case No. 20 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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