

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18136 of 2025

Arising Out of PS. Case No.-390 Year-2024 Thana- PARAIYA District- Gaya

1. Kaushmi Devi W/o- Samod Yadav @ Sarmod Yadav Village- Bagahi Tola
Bankeypur Ps- Paraiya Dist- Gaya
2. Samod Yadav @ Sarmod Yadav S/o- Biru Yadav Village- Bagahi Tola
Bankeypur Ps- Paraiya Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 24-06-2025 Heard learned counsel for the petitioners and learned
APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Paraiya
P.S. Case No. 390 of 2024 instituted for the offences under
Sections 126(2), 115(2), 109, 117(2), 352 and 351(2), 3(5) of the
Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, all the accused persons
named in the F.I.R. entered into the Informant's house and
started beating him with stick in which several persons of the
informant's side sustained injuries.

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 due to village politics. The petitioners have not committed any offence as alleged in the F.I.R. The petitioners are not named in the F.I.R. and their names have appeared for the first time in the *fardbeyan* of Bhola Yadav after death of the victim Feku Yadav in A.N.M.C.H., Gaya and others. Learned counsel for the petitioners further submits that as a matter of fact, the petitioners have registered Paraiya P.S. Case No. 43 of 2022 against aforesaid Bhola and Pintu and had given their deposition against them and, merely for taking revenge, they have taken the name of the petitioners. Learned counsel for the petitioners further submits that though the Informant is the eye-witness to the alleged occurrence but, has not taken the name of the petitioners in the F.I.R. Learned counsel for the petitioners submits that there is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. The petitioners have got three criminal antecedents each and are languishing in judicial custody since 27.11.2024 without any rhymes or reason.

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. The postmortem report supports the prosecution case. All the witnesses in their statements supported the case of the prosecution. The Investigating Officer, after completion of investigation, has submitted under Sections 126(2), 115(2), 109, 117(2), 352 and 351(2), 3(5) and subsequently added Section 103 of the Bhartiya Nyaya Sanhita, 2023. The petitioners bear three criminal antecedents each 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 as also the period of custody of the petitioners, let the petitioners, 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 Paraiya P.S. Case No. 390 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate 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 in the event of failure on two consecutive dates



without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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