

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17410 of 2025

Arising Out of PS. Case No.-317 Year-2024 Thana- PIRPAINTI District- Bhagalpur

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1. Anita Devi W/O Ramesh Yadav R/O Banshichak Madan Gopal, P.S.- Pirpainti, Dist.- Bhagalpur
 2. Ramesh Yadav S/O Ramashish Yadav R/O Banshichak Madan Gopal, P.S.- Pirpainti, Dist.- Bhagalpur
 3. Krishana Kumar @ Krishana Yadav S/O Ramesh Yadav R/O Banshichak Madan Gopal, P.S.- Pirpainti, Dist.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Kishor Das, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2025 Heard Mr. Shyam Kishor Das, learned counsel for the petitioner and Mr. Choubey Jawahar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Pirpainti P.S. Case No. 317 of 2024, F.I.R. dated 05.02.2025 for the offences punishable under Sections 147, 149, 323, 307, 354A, 504, 506 and 448 of the Indian Penal Code.

3. According to prosecution case, on 17.06.2024 at around 6 PM, the informant's daughters were at home while he was in the orchard. Krishna Yadav entered the house and



outraged the modesty of Shushma, causing both girls to cry. When the informant returned after hearing them, several accused (Krishna Yadav and others) entered the house armed with sticks and rods, abused, and assaulted them. Gopal Yadav hit Shushma on the head with an iron rod, causing a fracture and bleeding. Abhinandan Kumar hit Shruti on the head with a stick, causing similar injuries. When the informant tried to intervene, Kanhaiya Yadav attacked him on the head and leg with an iron rod, causing fractures.

4. Learned counsel for the petitioners submits that petitioner Nos. 1 and 3 have clean antecedent while petitioner No.2 has seven criminal antecedent other than the present one and they have been falsely implicated in the present case. There is case and counter case between the parties. From bare perusal of the F.I.R., it appears that the F.I.R. is in two parts. In the first part, there is general and omnibus allegation against all the accused persons including these petitioners and in the second part, the specific allegation of assault is attributed against the co-accused persons namely, Gopal Yadav, Abhinandan Kumar and Kanhaiya Yadav and there is no specific allegation of any assault or overt act attributed against these petitioners.

5. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, there is no specific allegation of assault or overt act attributed against these petitioners rather the specific allegation of assault is attributed against the co-accused persons namely, Gopal Yadav, Abhinandan Kumar and Kanhaiya Yadav and there is case and counter case, let the petitioners, above named, in the event of their 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 Exclusive Special Court (POCSO) cum District and Additional Sessions Judge, Bhagalpur, in connection with Pirpainti P.S. Case No. 317 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 tamper 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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