

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17411 of 2025

Arising Out of PS. Case No.-257 Year-2024 Thana- DHORAIYA District- Banka

Shyam Yadav S/o- Sukar Yadav Resident Of Village-Chainpur, Ps- Rajoun,
Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

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

ORAL ORDER

2 03-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Dhoraiya P.S. Case No. 257 of 2024 instituted for the offence
under Sections 191(2), 126(2), 115(2), 118(1), 109(1), 329(4),
331(8), 303(2), 352 & 351(2) of the Bharatiya Nyaya Sanhita,
2023.

3. As per prosecution case, the informant alleged that
he is having marital discord with his wife which led his in-laws
to assault him. The allegation is that his brother-in-law entered
his house and gave iron rod blow on his head causing injury.
Further, when his father, brother and mother came to rescue,
they were also assaulted. The allegation is of taking away Rs.



60,000/- as also gold ornaments.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 27-09-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel submits that from perusal of the FIR, it would be evident that general and omnibus allegation is levelled against the petitioner save and except co-accused, namely, Manoj Yadav, against whom the allegation is of assaulting the informant causing injury on his head. He further submits that other members of the family of the informant have sustained simple injury. Other similarly situated co-accused has been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 22-10-2024, passed in Cr. Misc. no. 74189 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, claim based on parity and there being no specific allegation against the petitioner, this Court is inclined to grant bail to the petitioner.



8. Let the petitioner 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 Court below/concerned Court in connection with Dhoraiya P.S. Case No. 257 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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