

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21253 of 2025

Arising Out of PS. Case No.-140 Year-2024 Thana- ASANWA District- Siwan

Chhotelal Yadav Son of Kamesksha Yadav Resident of Village-Parshaha Tola
Sahashrav, P.S.- Aswan, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dipak Kumar, Adv.

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-04-2025 Heard Learned Counsel for the petitioner and
Learned APP for the State.

2. The present Criminal Miscellaneous Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioner who apprehends his arrest in connection with Assawn P.S. Case No. 140 of 2024 lodged on 06.12.2024, for the offences punishable under Sections 191(3), 126(2), 115(2), 74, 76, 118(2), 117(2), 109(1), 303(2), 352 and 351(1) of the BNS Act, 2023.

3. As per the prosecution, FIR has been lodged against 13 named accused persons including the present petitioner with allegation that they all entered and attacked in the house of the informant due to which injury has been caused to the



informant's side. It has also alleged that three mobile of Rs.2 lac has also been taken by one of the accused persons.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that prior to this occurrence, petitioner has filed case upon the informant before the SDO, Siwan and further informant's side has filed criminal case for wrong cause against the petitioner's side. The informant has lodged case i.e., Assawn P.S. Case No.140 of 2024 (present case) and the petitioner has lodged case i.e., Assawn P.S. Case No.141 of 2024. He further submits that injury has been caused from both the sides.

5. Counsel submits that the criminal antecedent of the petitioner is not clean as there are three criminal cases pending against him in which he is on bail in all cases.

6. Counsel further submits that the absolutely false case lodged which has already been indicated in the information petition filed by the petitioner before the SDO, Siwan vide Annexure-6 of the bail petition. He further submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

7. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is case and counter-



case lodged from both the sides.

8. In the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, **on being satisfied by the trial court that the petitioner is not absconding in any cases i.e., (i) Complaint Case No.899 of 2015 (ii) Assawn P.S. Case No.45 of 2016 (iii) Assawn P.S. Case No.105 of 2016 which are pending against him,** in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Addl. Chief Judicial Magistrate-1st, Siwan, in connection with Assawn P.S. Case No. 140 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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