

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17693 of 2025

Arising Out of PS. Case No.-37 Year-2023 Thana- SAHARGHAT District- Madhubani

1. Jitendra Yadav @ Jitendra Kumar Yadav Son of Ram Bahadur Yadav R/O Village - Mukhiyapatti (Zilatul), P.S.- Saharghat, District - Madhubani.
2. Rajesh Yadav Son of Ram Bahadur Yadav R/O Village - Mukhiyapatti (Zilatul), P.S.- Saharghat, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-04-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending arrest in connection with Saharghat P.S. Case No. 37 of 2023, dated 17.03.2023, lodged under Section 147, 148, 149, 341, 323, 324, 379, 307, 504 and 506 of the Indian Penal Code.

3. As per the prosecution, F.I.R. has been lodged against 11 named accused persons, including the present petitioners, alleging that the accused persons, in connivance with each other, assaulted the informant, causing him grievous injuries, and his life was saved with great difficulty.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. It is further submitted that the criminal antecedents of the petitioners are not clean, as one criminal case is pending against petitioner no. 1 and two criminal cases are pending against petitioner no. 2. Counsel submits that although Sections 379 and 307 of the IPC are non-bailable, they have been added in the present case only with ulterior motive and malafide intention. It is also submitted that a similarly situated co-accused has already been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 06.12.2023, passed in Cr. Misc. No. 58821 of 2023.

5. Learned counsel further submits that both the petitioners and the informant are residents of the same village. It is also submitted that there is a case and counter-case between the parties, wherein the petitioners' side has lodged Saharghat P.S. Case No. 30 of 2023, while the present case, Saharghat P.S. Case No. 37 of 2023, has been filed by the informant.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there is specific allegation against the petitioner No. 1. Counsel also submits that the criminal antecedents of the petitioners are not clean

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner No. 2,



namely, Rajesh Yadav, be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st Class, Benipatti, Madhubani in connection with Saharghat P.S. Case No. 37 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. So far as the bail application of the petitioner No. 1, namely, Jitendra Yadav @ Jitendra Kumar Yadav is concerned, his bail application is hereby rejected, with a liberty that in case, the petitioner No. 1 surrenders within four weeks before the Trial Court, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner No. 1 has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J.)

Aman Kumar/-

U		T	
---	--	---	--

