

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27331 of 2025

Arising Out of PS. Case No.-94 Year-2024 Thana- Gurupa District- Gaya

Baleshwar Yadav S/o Late Jaimangal Yadav Resident of Village- Naudiha
Jharang, Police Station- Gurpa, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar, Advocate
For the Informant	:	Mr.Sunil Kumar, Advocate
For the Opposite Party/s	:	Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 06-08-2025 Heard learned counsel appearing on behalf of the

petitioner; learned counsel for the informant and the learned

APP for the State.

2. The petitioner seeks regular bail in connection with
Gurpa P.S. Case No. 94 of 2024 for the offences punishable
under Sections 126(2), 115(2), 117(2), 109, 352, 351(2) and
3(5) of BNS, 2023.

3. As per the allegation made in the FIR, all the family
members including the petitioner entered into the house of the
informant and assaulted the informant and her two children, as
a result, they sustained grievous injuries.

4. Learned counsel appearing on behalf of the
petitioner submitted that from very perusal of the FIR, it appears



that the allegation against the petitioner is general and omnibus and no specific allegation of assault has been alleged against the petitioner that he is one who has assaulted the informant and her two children, who sustained grievous injuries. Petitioner is in custody since 23.10.2024.

5. Mr. Sunil Kumar, learned counsel has tendered his appearance on behalf of the informant and submitted that the petitioner has suppressed the information in paragraph no.3 of the bail application in respect of his criminal antecedent. Learned counsel further submitted that on the basis of the information received from his client, the petitioner has three criminal antecedents - i. Fatehpur P.S.Case No.32 of 1998, ii. Fatehpur P.S.Case No.52 of 1998 and iii. Fatehpur P.S.Case No.54 of 2001.

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

7. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and the evidences surfaced in course of the investigation, I find that in want of any specific allegation of assault against the petitioner, as well as, there is case and counter case arising out the same incident relating to cutting of



pipe by the wife of the petitioner, the petitioner has *prima facie* made out a case to be released on regular bail.

8. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM IX, Gaya in connection with Gurpa P.S. Case No. 94 of 2024, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court concerned.

(3) If the petitioner tampers with the evidence or the witnesses of the case, the prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail, the trial court shall take steps to cancel his bail bond.

(5) The district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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