

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19885 of 2025

Arising Out of PS. Case No.-643 Year-2024 Thana- KHAJANCHI HAT District- Purnia

Pramod Yadav Son of Brahmdeo Yadav R/o village - Rahuwa, P.S.- Maranga,
District - Purnea at present residing at Sipahi Tola, Baksa Ghat Road, Ward
No.- 4, P.S.- Madhubani, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Dr. Bidhu Ranjan, Advocate Ms. Diksha Kumari, Advocate
For the State	:	Mr.Kalyan Shankar, APP
For the Informant	:	Mr. Kundan Kumar, Advocate Mr. Hujaiifa, Advocate Mr. Anshuman Dheer, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel appearing on behalf

of the informant.

2. In the present case, the petitioner seeks bail in
connection with K. Hat P.S. Case No. 643 of 2024 registered
for the alleged offences under Sections 103(2), 3(5) of B.N.S.

3. As per prosecution case, the co-accused persons
were making commotion and they called out the husband of the
informant from his house and he was taken to their house by co-
accused persons Niraj Yadav and Nishant Yadav. After



sometime, when the brother-in-law of the informant went to enquire in the house of co-accused, he found the petitioner and other co-accused assaulting the husband of the informant. When the brother-in-law of the informant intervened, the petitioner made an attempt to hit him with Khanti and he ran away from there. Subsequently, the husband of the informant was found in unconscious state in the house of co-accused Niraj Yadav. When the husband of the informant was taken to the hospital he was declared brought dead.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is specific allegation against co-accused Niraj Yadav and Nishant Yadav who took the deceased to their house. The petitioner is alleged to be cousin of co-accused Niraj Yadav but he is not the cousin of co-accused Niraj Yadav. During investigation it transpired that co-accused Nishant Yadav assaulted the deceased on his head with rod and he sustained injury and died. This fact is supported by the postmortem report which shows a lacerated wound of size 2 inch x 1/2 inch x skull deep on the occipital region of head and cause of death is stated to be hemorrhage and shock due to head injury. Learned senior counsel further submits that the absence of injury except one



head injury shows there was no involvement of other persons. The informant is not an eye witness and she initially did not name the petitioner, who was subsequently named in this case on the basis of information received by the informant. Learned senior counsel further submits that the petitioner is having antecedent of one case and he is in custody since 28.12.2024 and charge sheet has been submitted.

5. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that there is specific allegation against the petitioner and co-accused persons that they have been assaulting the husband of the informant and in this assault he lost his life. Learned counsel further submits that even the independent witnesses and eye witnesses have supported the allegation against the petitioner that he and other co-accused persons have been assaulting the deceased.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the presence of only one injury on the deceased and author of the said is stated to be one of the co-accused persons and further considering the period of the custody of the petitioner and



submission of charge sheet, the petitioner above named is directed to 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 learned Chief Judicial Magistrate, Purnea/concerned Court in connection with K. Hat P.S. Case No. 643 of 2024, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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