

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25322 of 2025

Arising Out of PS. Case No.-414 Year-2024 Thana- HUSSAINGANJ District- Siwan

1. Dharmendra Yadav@Dharmendra Kumar Yadav S/o- Raktu Yadav Resident of Village-Chhotka Tadila, Ps- M H Nagar, Dist- Siwan
2. Jitendra Yadav S/o- Raktu Yadav Resident of Village-Chhotka Tadila, Ps- M H Nagar, Dist- Siwan
3. Gita Devi W/o- Jitendra yadav Resident of Village-Chhotka Tadila, Ps- M H Nagar, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-04-2025 Heard Mr. Ajay Kumar Tiwary, learned counsel for
the petitioners and Mr. Ajit Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Hussainganj P.S. Case No. 414 of 2024, F.I.R. dated 20.11.2024 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 303(2), 3(5) of the B.N.S., 2023.

3. Allegation against the petitioners is that they along with other co-accused persons came at the door of the informant and started abusing and assaulting with intention to kill and when the informant protested, then Dharmendra Yadav assaulted



with Dab aiming head but due to save by him the same hit on hand and the hand became injured. The informant further alleged that when his sister came to save then Gita Devi assaulted his sister with rod causing injury on head and Jitendra Kumar assaulted with sword to the entire family members of the informant.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case and there is case and counter case between the parties and both the parties are agnates to each other. He further submits that although the petitioners are named in the F.I.R. and there are specific allegation against them that they have assaulted the informant and their family members and they have received injuries but the injury report of the injured persons suggests that the injuries are simple in nature.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and there is case and counter case between the parties and the injury report of the injured persons suggests that the injuries are simple



in nature, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Siwan in connection with Hussainganj P.S. Case No. 414 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their



criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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