

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23919 of 2025

Arising Out of PS. Case No.-221 Year-2024 Thana- RASULPUR District- Saran

1. Parmatma Yadav @ Parmatma Kumar @ Pramatra Kumar Yadav S/O Jitan Yadav R/O Village- Asahni, P.S- Rasulpur, Distt.- Chapra.
2. Sunil Yadav @ Sunil Kumar Yadav S/O Jitan Yadav R/O Village- Asahni, P.S- Rasulpur, Distt.- Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Rakesh Singh, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-05-2025 Heard learned senior counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The both accused/petitioners apprehending their arrest in connection with Rasulpur P.S. Case No. 221 of 2024, registered for the offences punishable under Sections 126(2), 115(2), 132, 262, 365, 223, 352, 351(2), 3(5) of B.N.S.

3. The allegation against both above named petitioners is to assault police personnels and also deter them discharging their official duty, while they were chasing accused Om Prakash Yadav.

4. Mr. Krishna Prasad Singh, learned senior counsel



appearing on behalf of the petitioners submitted that petitioner no. 1 being a military person and being brother of Om Prakash Yadav was assaulted by police personnel. It is submitted that petitioner no. 1 is a military person and when after receiving injury, he admitted military hospital, Danapur Cant., where he received treatment as per Annexure-3, police by drawing anti-dated FIR, lodged present case, which is apparent from the fact that FIR reached to the office of learned C.J.M., Saran after six days of its registration. It is submitted that the allegation of snatching rifle appears ornamental, as to aggravate the allegation against petitioners. It is submitted that no police personnel received any injury during the occurrence, making entire allegation false on its face. It is pointed out by learned senior counsel that allegation is very much general and omnibus against petitioner no. 2, namely Sunil Yadav. It is submitted that petitioner no. 1 is a man of clean antecedent, where petitioner no. 2 found involved in two criminal cases, where after investigation, final form was submitted in one case, whereas in another case he is on bail.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as implication of both above named petitioners *prima facie* appears being brother of main co-accused



Om Prakash Yadav where *prima facie* no injury as alleged appears received by the police personnel, rather several injuries appears found on petitioner no. 1 as per report of military hospital, Danapur, accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saran at Chapra/concerned Court, where the case is pending in connection with Rasulpur P.S. Case No. 221 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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