

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23937 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- HUSSAINGANJ District- Siwan

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1. Rajan Kumar Yadav @ Rajan Yadav S/O Late Rajkishore Yadav Resident of Village- Puraina, P.S.- M.H. Nagar, Distt.- Siwan.
 2. Ajit Kumar Yadav @ Ajit Yadav S/O Late Rajkishore Yadav Resident of Village- Puraina, P.S.- M.H. Nagar, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-05-2025 Heard Learned Counsel for the petitioners and
Learned A.P.P for the State.

2. The petitioners are apprehending arrest in connection with Hussainganj (M.H. Nagar) P.S. Case No. 38 of 2025 lodged on 07.02.2025, for the offence punishable under Sections 126(2), 115(2), 109(1), 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioners. The specific allegation against the petitioners in the FIR is that



they have assaulted the informant by iron rod on his head due to which he sustained injured.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that informant and the petitioners are resident of same village and the allegation made in the FIR is false. Counsel submits that the injury report indicates that the injuries are simple in nature and at the time of *murti visarjan*, dispute has arisen between the parties due to spur of moment. Counsel further submits that the petitioners have no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that there is specific allegation against the petitioners of assault on the informant's head by iron rod.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners are hereby rejected.

7. It is hereby directed to the petitioners to surrender before the Trial Court within a period of six weeks from today. In case, the petitioners surrenders within six weeks, then the Trial Court is directed to pass order on their surrender-cum-bail applications on the same day considering the injury, without



being prejudice that the anticipatory bail of the petitioners has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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