

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23051 of 2025

Arising Out of PS. Case No.-169 Year-2024 Thana- VISHAMBHARPUR District- Gopalganj

1.

Dhiraj Yadav S/o Ramekbal yadav Resident of village- Baliwan Raimal, P.S.- Bishambarpur, District-Gopalganj
2.

SATyendra Yadav @ Pahalwan @ Satyendra Nath Yadav S/o Ram Raj Yadav Resident of village- Baliwan Raimal, P.S.-Bishambarpur, District-Gopalganj
3.

Neta Yadav S/o Majister Yadav Resident of village- Baliwan Raimal, P.S.- Bishambarpur, District-Gopalganj
4.

Munendra Yadav S/o Ramekbal Yadav Resident of village- Baliwan Raimal, P.S.-Bishambarpur, District-Gopalganj
5.

Sipahi Yadav @ Sipahi Kumar Yadav S/o Balkhita Yadav Resident of village- Baliwan Raimal, P.S.-Bishambarpur, District-Gopalganj
6.

Amarjeet Yadav S/o Ashok Yadav Resident of village- Baliwan Raimal, P.S.- Bishambarpur, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Irshad Ahmad Khan, Adv.
For the State	:	Mr. Parmanand Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

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24-07-2025

Heard learned counsel for the petitioners and learned APP for the State.

2. At the very outset, learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.6 submitting that during pendency of this application, petitioner no.6 has been apprehended by the police and hence, this application in respect of petitioner no.6 has become infructuous.

3. After some arguments, learned counsel for the petitioners also seeks permission to withdraw this application in respect of petitioner no.2.



4. Permission is granted.

5. Accordingly, this application is dismissed as withdrawn in respect of petitioner nos. 2 & 6 only.

6. Now this application survives for petitioner nos. 1, 3, 4 & 5.

7. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 191(2), 190, 126(2), 115(2), 118(1), 117(2), 109, 329(3), 303(2), 352, 351(2) of the B.N.S.

8. The allegation in the FIR is that the petitioners came variously armed and assaulted the informant and his family members brutally. Further, there is specific allegation on Satyendra Yadav of having assaulted Bhola Yadav and Raju Yadav with iron rod.

9. Learned counsel for the petitioners submits that it would be apparent from the FIR itself that so far as these petitioners are concerned, there is a general and omnibus allegation of assault. It is further submitted that there is case and counter case on both the sides and Annexure-2 has been brought on record to demonstrate the same. It is next submitted that the injury reports of almost all the injured persons indicate that the injuries are all simple in nature caused by hard and blunt substance.

10. Learned APP for the State, however, opposes the prayer



for anticipatory bail on the ground that the opinion upon the injury of one Raju Yadav was reserved. Paragraph 44 of the case diary would, however, indicate that since no higher centre opinion and report with plate has ever been produced, therefore, clinically the doctor has opined that the injury is to be simple in nature.

11. Considering the entire facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to the petitioner nos. 1, 3, 4 & 5. Let the petitioner nos. 1, 3, 4 & 5, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Bishambharpur P.S. Case No. 169 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

12. Accordingly, the application stands partly allowed.

(Soni Shrivastava, J)

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