

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23270 of 2025

Arising Out of PS. Case No.-88 Year-2024 Thana- DHANKUND District- Banka

1. Jairam Yadav S/o Ram Bilash Mahto @ Bilash Yadav R/o Village- Kathara, PS- Dhankund, District- Banka
2. Fantush Yadav S/o Late Bouni Yadav R/o Village- Kathara, PS- Dhankund, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 20-06-2025 Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 191(2), 190, 126(2), 115(2), 109(1), 74, 303(2), 352, 351(2) of B.N.S. Petitioners have one criminal antecedent.

3. The prosecution case is to the effect that the informant has alleged that two co-accused persons including Santosh Yadav had threatened the informant and others that they would be eliminated and on 30.08.2024, all the FIR named accused persons including the petitioners, came to the house of the informant armed with deadly weapons and it is alleged that



the co-accused Ajay Yadav assaulted the informant's husband by means of iron rod and subsequently on the order of Fantush Yadav (petitioner no.2), petitioner no.1 and others assaulted him and her husband felt unconscious. It has further been alleged that when the informant and her brother-in-law tried to intervene the other accused persons, namely, Gulsan Yadav, Sunil Yadav, Fantush Yadav (petitioner no.2) and Vadri Yadav by means of lathi, had assaulted the informant and snatched away her silver jewellery and other documents.

4. The learned counsel for the petitioners submit that petitioners are innocent and have falsely been implicated in this case along with the entire family members. The learned counsel further submits that there is no specific allegation of assault upon the petitioners and the allegations are general and omnibus in nature. It has further been submitted that no injury report of the informant or her brother-in-law was brought on record which falsifies the allegations levelled against the petitioners. It has further been pointed out that from perusal of the postmortem report, it would be evident that the allegations of indiscriminate assault made on the husband of the informant (deceased) is also not proved as no such external ante mortem injuries were found on the body of the deceased. It has lastly been submitted that the



petitioners have one criminal antecedent.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that the petitioners were members of the mob and they also participated in assaulting the husband of the informant as well as the informant.

6. Considering the aforesaid submissions made by the parties and taking into account that there is no specific allegations of overt act against the petitioners, the petitioners, above named, are directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on 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 Court below where the case is pending/successor court in connection with Dhankund P.S. Case No. 88 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors of the petitioners shall be his close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.



(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned 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 antecedent, 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.

(Sourendra Pandey, J)

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