

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23627 of 2025

Arising Out of PS. Case No.-308 Year-2024 Thana- DHORAIYA District- Banka

Jahendra Yadav @ Jaihindar Yadav Son of Shiv Narayan Yadav Resident of village - Bhelay, Police Station - Dhoraiya, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Dhoraiya P.S. Case No. 308 of 2024 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109(1), 352, 351(2), 3(5) of BNSS.

3. As per prosecution case, informant is said to have been assaulted by petitioner and others. Petitioner is said to have threatened the informant by pointing gun on his head.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. He further submits that informant does not know about the petitioner and there is dispute regarding Rs. 25,000/- between



the informant and co-accused Shravan Kumar who is brother of the informant and the said money has not been returned. He further submits that petitioner has no concern with the said dispute. He further submits that from the perusal of FIR, it appears that informant is the only victim who sustained injury but the injury report indicates that there are two persons namely Bambam Yadav and Baijnath Yadav who sustained injuries. Further, it is not clear from the perusal of FIR that as to who has assaulted the victim Baijnath Yadav. In this way, the injury report of Baijnath Yadav is not in consonance with the story of prosecution which casts doubt upon the authenticity of the FIR. Petitioner bears criminal antecedent of one case in which he is on bail. He further submits that basically no specific allegation of assault is attributed against the petitioner. In this way, no case is made out against the petitioner.

5. The learned A.P.P. for the State vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that petitioner is said to have threatened the informant by pointing gun on his head.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the



petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka / Concerned Court, Banka in connection with Dhoraiya P.S. Case No. 308 of 2024, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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