

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28030 of 2025

Arising Out of PS. Case No.-240 Year-2023 Thana- BASOPATTI District- Madhubani

1. Sanjit Yadav S/o- Satya Narayan Yadav Resident of Village-Panchratan Shiv Tol PS-Basopati District-Madhubani
2. Jay Narayan Yadav S/o- Late Ramsukh Yadav Resident of Village-Panchratan Shiv Tol PS-Basopati District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Adv

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-05-2025 Heard Mr. Bhavesh Kumar Sah, learned counsel
for the petitioners and learned APP.

2. The petitioners are apprehending their arrest in connection with Basopatti P.S. Case No. 240 of 2023, F.I.R dated 27.10.2023 registered for the offences punishable under Sections 323, 341, 379, 354(B), 308, 427, 504, 506/34 of the IPC.

3. The prosecution case, as per FIR is that the informant was married to one Manisha Kumari and after some time a dispute arose between them. Due to the said dispute, the informant was assaulted by his in-laws in his house. When his mother came to rescue him, she was also abused and assaulted



by accused persons.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case due to ulterior motive. They have clean antecedents. It appears from the FIR itself that there is no allegation of over-tact against the petitioners rather there is specific allegation of assault and causing injury on the head of the informant by means of dagger is against Ram Narayan Yadav at the instance of Jaynaryan Yadav who is an order giver. Apart from this there is case and counter case between the parties inasmuch as Basopatti PS Case No. 239 of 2023 has been lodged by informant's wife, Manisha Kumari against the informant and his family members for the offence alleged under Sections 323, 341, 498(a), 313, 34 of the IPC and Section 3/4 of the D.P. Act.

5. The learned Additional Public Prosecutor, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners submitting that the petitioners are named in the FIR and they have assaulted the informant and his family members but fairly concedes that they have clean antecedent.

6. Considering the submissions made on behalf of the parties and the fact that there is case and counter case between the parties, there is no allegation of any overt-act against the



petitioners, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Md. Soyeb, learned Judicial Magistrate- 1st Class, Madhubani in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the 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.

(Rajesh Kumar Verma, J)

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