

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25251 of 2025

Arising Out of PS. Case No.-23 Year-2024 Thana- Pastpar Pusthi District- Saharsa

Mithilesh Kumar Son of Late Sita Ram Yadav Resident of Village - Jalaiya,
Ward No.- 01, Police Station - Pastpar, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
: Ms. Kumari Rashmi, Advocate
For the State : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 02-09-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Pastpar P.S. Case No. 23 of 2024 registered for the offence under Sections 126(2), 115(2), 118(2), 303(2), 109, 333, 352, 351(3) and 3(5) of the B.N.S. and later on added section 103(1) of the B.N.S., lodged on 06.09.2024 by the informant, Ramesh Yadav.

3. As per the prosecution story, the informant alleged that on 05.09.2024, the accused persons including the petitioner armed variously forced themselves in the house of the informant and on the order of Kailash, Murari, Digambar and Satyam started assaulting by the country made pistol. Further omnibus allegation is against others of assaulting the family members who all become unconscious. They were shifted to Primary Health Centre, Patarghat and then to Saharsa/Madhepura. During the course of the treatment, the father of the informant namely Maheshwar Yadav died. This led to the F.I.R.



4. Learned counsel for the petitioner submits that a bare perusal of the F.I.R. would show that though specific allegation is against Kailash, Digambar, Satyam and Murari, to implicate family members, he has also been made accused. The petitioner has no criminal antecedent and if granted relief, he shall be diligently appearing in trial.

5. Learned APP as also the learned counsel representing the informant opposes the prayer bail submit that omnibus allegation of assault is also on this petitioner.

6. Considering the submissions of the parties as also the fact that specific allegation is against Kailash, Digambar, Satyam and Murari, omnibus allegation is against this petitioner, has no criminal antecedent, an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st Saharsa, in connection with Pastpar P.S. Case No. 23 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following conditions:-



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance and at the end of the period a certificate be submitted before the Trial Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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