

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26568 of 2025

Arising Out of PS. Case No.-143 Year-2024 Thana- FESHAR District- Aurangabad

1. Munna Yadav S/o Kamta Yadav Resident of Village- Jhikatiya, P.S- Fesar, Dist.- Aurangabad.
2. Lalan Yadav S/o Kamta Yadav Resident of Village- Jhikatiya, P.S- Fesar, Dist.- Aurangabad.
3. Shankar Kumar @ Sudarshan Kumar @ Shiv Shankar Yadav @ Sudarshan Yadav S/o Kamta Yadav Resident of Village- Jhikatiya, P.S- Fesar, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-05-2025 Heard Mr. Ashok Singh, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Fesar P.S. Case No. 143 of 2024, F.I.R. dated 19.12.2024 for the offences punishable under Sections 126(2), 115(2), 117(2), 109, 303(2), 352, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, all the accused persons including these petitioners armed with iron rod, lathi and danda brutally assaulted the informant and his son and also took gold chain and Rs. 10,000/- from informant's son.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties. Although the petitioners are named in the F.I.R and there is allegation against the petitioners that they have assaulted to the informant and his family members. He further submits that there is no specific allegation of assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners and in the present occurrence both the sides have sustained injuries.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, there is case and counter case between the parties and there is no specific allegation against the petitioners, let the petitioners, above named, in the event of 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 learned Chief Judicial Magistrate, Aurangabad in connection with Fesar P.S. Case No. 143 of



2024, 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 tampers 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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