

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25060 of 2025

Arising Out of PS. Case No.-110 Year-2024 Thana- KATORIYA District- Banka

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1. Prakash Yadav S/O Kishandeo Yadav R/O Village- Rajasar, P.S- Katoria, Distt.- Banka.
 2. Bharat Yadav @ Bhakh Yadav S/O Naresh Yadav R/O Village- Rajasar, P.S- Katoria, Distt.- Banka.
 3. Naresh Yadav S/O Late Jagdish Yadav R/O Village- Rajasar, P.S- Katoria, Distt.- Banka.
 4. Kishandeo Yadav S/O Late Jagdish Yadav R/O Village- Rajasar, P.S- Katoria, Distt.- 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. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2025 Heard Mr. Brij Nandan Prasad, learned counsel for the petitioners and Mr. Uma Shankar Prasad Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Katoria P.S. Case No. 110 of 2024, F.I.R. dated 26.05.2024 registered for the offences punishable under Sections 341, 323, 354, 506/34 of the Indian Penal Code.

3. Allegation against the petitioners is that they along with other co-accused persons assaulted to the informant and his aunt by fist and leg due to which they sustained injuries.



4. Earlier the petitioners have moved this Court for grant of anticipatory bail in Cr. Misc. No. 9023 of 2025 but the same was dismissed as withdrawn vide order dated 06.03.2025 with liberty to file a fresh application.

5. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. itself that due to admitted land dispute the present occurrence had taken place. Although, the petitioners are named in the F.I.R. but from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. Although, in the present occurrence Anita Devi and the informant Nitish Kumar have received injuries but the injury report of the injured persons suggests that the injuries are simple in nature caused by hard and blunt substance.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners and submits that the petitioners carry one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioners are on bail in the pending matter.



7. Considering the facts and circumstances of the case and the fact that there is no specific allegation of any assault or overt act attributed against these petitioners and the injuries inflicted upon the injured persons are simple in nature, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Katoria P.S. Case No. 110 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) 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 antecedents, 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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