

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28466 of 2025

Arising Out of PS. Case No.-1138 Year-2024 Thana- MADHEPURA District- Madhepura

Ashok Yadav S/o Late Anrud Yadav @ Late Anirudh Yadav R/o Vill.-
Jiwachpur, Ward No.7, P.S.- Madhepura (Bharrahi), Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Chandra Mohan Jha, Adv.
For the informant	:	Mr. Sharda Nand Mishra, Adv.
		Ms. Isha Mishra, Adv.
For the Opposite Party/s :		Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 19-08-2025 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Madhepura (Bharrahi) P.S. Case No. 1138 of 2024 dated 30.09.2024 registered for the offences punishable u/ss 191(2), 193(3), 190, 126(2), 115(2), 118(2), 109 and 303(2) of the B.N.S. and later on, Section 103(1) of the B.N.S. was added.

3. As per the prosecution case, on 29.09.2024, the informant's son was returning to home from the field with grass for the cattle and he reached the pond which was situated near his home then F.I.R. named accused persons were sitting in ambush then the co-accused persons namely, Chano Yadav, Lalan Yadav,



Narad Yadav, Brahmdeo Yadav and the others ordered to kill Dileshwar then the petitioner and the co-accused, Shankar Yadav assaulted him with an iron rod on his head and the co-accused, Nakul Yadav assaulted him with farsa with the intention to kill due to which he sustained head injury and blood was oozing out. The informant's son fell down on the ground then the other accused persons assaulted him with lathi. The co-accused, Babul Kumar snatched silver chain from the neck of the informant's son. The informant further alleged that she came to rescue her son then the accused persons also assaulted her. The informant raised alarm then villagers came there and saved their life. Thereafter, the injured was taken to the hospital for treatment.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has been made accused in this case merely on suspicion. The specific allegation of assaulting the informant's son is against the co-accused, Nakul Yadav. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel has further submitted that as per the post-mortem report of the deceased, the doctor did not ascertain the cause of death of the deceased hence viscera was reserved for ascertaining the cause of death of the deceased. The petitioner has no concern with the alleged offence. The charge-sheet has been submitted against the



petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 16.11.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhepura in connection with Madhepura (Bharrahi) P.S. Case No. 1138 of 2024, with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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