

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29157 of 2025

Arising Out of PS. Case No.-219 Year-2024 Thana- KATORIYA District- Banka

Pawan Yadav S/o Baijnath Yadav R/o Village- Gora, Police Station- Banka,
District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 42142 of 2025

Arising Out of PS. Case No.-219 Year-2024 Thana- KATORIYA District- Banka

1. Rajesh Yadav @ Rajesh Kr. Yadav S/o Girjo Yadav @ Girja Yadav R/o village- Kaithatkar, Police Station- Katoriya, District- Banka
2. Anil Yadav @ Anil Kr. Yadav S/o Girjo Yadav @ Girja Yadav R/o village- Kaithatkar, Police Station- Katoriya, District- Banka
3. Karu Yadav @ Karu @ Dinesh Yadav S/o Girjo Yadav @ Girja Yadav R/o village- Kaithatkar, Police Station- Katoriya, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 29157 of 2025)
For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 42142 of 2025)
For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 12-08-2025 Heard learned counsel for the petitioners and learned APP
for the State. Perused the case diary.

2. The petitioners seek bail in connection with
Katoriya P.S. Case No. 219 of 2024 instituted for the offence



under Sections 126(2), 115(2), 303(2), 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case is that the petitioners and others were cutting soil from the informant's land, and when the informant's brother objected, the petitioner, namely, Pawan Yadav, assaulted him on the head with an iron rod, causing bleeding injury. The informant and another person were also assaulted when they tried to intervene, and a co-accused snatched a gold chain from the injured. The injured was hospitalized and later he succumbed to injuries.

4. It has been submitted on behalf of the petitioners that the petitioner, namely, Pawan Yadav, is in custody since 24-01-2025, whereas petitioners, namely, Rajesh Yadav @ Rajesh Kr. Yadav and Anil Yadav @ Anil Kr. Yadav are in custody since 17-02-2025, whereas petitioner, namely, Karu Yadav @ Karu @ Dinesh Yadav is in custody since 25-01-2025. Petitioners bear no criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. There is delay of two days in lodging the FIR. From perusal of the FIR, it would reveal that Pawan Yadav



assaulted the brother of the informant by means of iron rod, but there is no repetition of blow. So far as other petitioners are concerned there is general and omnibus allegation levelled against them. Police after completion of investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. There is specific allegation against petitioner, namely, Pawan Yadav, which fact is corroborated by the postmortem report, wherein cause of death is due to injuries caused by hard and blunt substance.

7. Considering the aforesaid facts and circumstances of the case, there being direct allegation of assault against the petitioner, namely, Pawan Yadav in Cr. Misc. No. 29157 of 2025, this Court is not inclined to grant bail to petitioner, namely, Pawan Yadav. Prayer for bail of petitioner namely Pawan Yadav in Cr. Misc. No. 29157 of 2025 is accordingly *rejected*.

8. So far as other petitioners are concerned, taking into period of custody of the petitioners, charge sheet being submitted and there being no specific allegation against them, this Court is inclined to grant bail to the petitioners of Cr. Misc.



No. 42142 of 2025.

8. Let the petitioners of Cr. Misc. No. 42142 of 2025, above named, be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Katoriya P.S. Case No. 219 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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