

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29556 of 2025

Arising Out of PS. Case No.-190 Year-2023 Thana- MANSAHI District- Katihar

Sujit Kumar Yadav S/o- Sri Bimal Yadav Village- Gorgama Ps- Mansahi Dist-
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mrs. Vaishnavi Singh, Adv. Mr. Ritwik Thakur, Adv.
For the Opposite Party/s :		Mrs. Renu Kumari, APP

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

ORAL ORDER

4 09-07-2025 Heard learned counsel for the petitioner and Mrs.
Renu Kumari, learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Mansahi P.S. Case No. 190 of 2023 instituted for the offences
under Sections 341, 323, 307, 504, 506, 34 and subsequently
added Section 302 of the Indian Penal Code.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of assaulting the
informant on his head with rod due to which he fell down on the
ground. It is also alleged that when the informant's son Rajeev
Kumar Yadav came to save him, then the petitioner assaulted
him with rod due to which he sustained grievous injury and,



later on, succumbed to his injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations. There is case and counter case between the parties. Learned counsel for the petitioner submits that due to the altercation took place on 30.11.2023, the mother of the petitioner had filed a case bearing Mansahi P.S. Case No. 189 of 2023. Learned counsel for the petitioner further submits that the occurrence allegedly took place on 30.11.2023 at around 07.30 AM but, the written report was submitted on 30.11.2023 at 10.50 PM i.e. at a belated stage which goes to show that the present case has been lodged after due deliberation and consultation and to save their skin from the case lodged by the accused side. He further submits that the F.I.R. was registered on 30.11.2023 but, the same was sent to the court on 02.12.2023 and no reason has been assigned for such inordinate delay. The statements of the eye-witnesses contradicts the allegation made in the F.I.R. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The co-accused Bimal Yadav has also been granted privilege of anticipatory bail by the court below. The injury caused to the Informant is simple



in nature. The petitioner has no criminal antecedent and is languishing in judicial custody since 05.12.2023 without any rhymes or reason. He further submits that the co-accused Nitesh Kumar Yadav @ Nitish Kumar Yadav has already been granted bail by this Court vide order dated 19.02.2025 passed in Cr. Misc. No. 82429 of 2024. Co-accused Manish Kumar Yadav has also been granted bail by this Court vide order dated 11.04.2025 passed in Cr. Misc. No. 51829 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. He further submits that there is direct allegation against the petitioner of assaulting the Informant's son Rajeev Kumar Yadav by rod due to which he sustained grievous injury on his head and, later on, he died in the hospital in course of his treatment. The postmortem report supports the prosecution case. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as alleged against the petitioner as also there being direct allegation of assault against the petitioner, this Court is not inclined to grant



bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of six months from today. If the trial is not concluded within the period of six months as stated above, the petitioner will be at liberty to renew his prayer before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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