

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30427 of 2025**

Arising Out of PS. Case No.-32 Year-2025 Thana- HUSSAINGANJ District- Siwan

Rakesh Yadav @ Rakesh Kumar Yadav S/O Rudal Yadav Village-Tadila ,  
P.S.- M.H Nagar , District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

ORAL ORDER

2      15-05-2025                      Heard Learned counsel for the petitioner and Learned  
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Hussainganj P.S. Case No. 32 of 2025 lodged on 28.01.2025, for the offence punishable under Sections 126(2), 115(2), 118, 109(1), 303(2), 352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 pending in the Court of Chief Judicial Magistrate, Siwan.

3. As per the prosecution, FIR has been lodged against two named accused persons including the present petitioner and 5 unknown persons. The allegation against the petitioner is that he has assaulted the informant by sword on his head due to which injury has been caused. It has also been alleged that accused persons snatched golden chain as well as Rs.16,000/- (Rupees Sixteen Thousand) from the informant's pocket.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel submits that civil dispute is going on between the petitioner's family and informant's family. Counsel further submits that petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is specific allegation of assault against the petitioner on the informant's head by sword due to which injury has been caused.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if petitioner surrenders before the Trial Court within a period of six weeks from today, then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day considering the ingredients of offence, without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

**(Dr. Anshuman, J)**

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