

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31176 of 2025

Arising Out of PS. Case No.-245 Year-2023 Thana- BANKA District- Banka

Subhash Yadav @ Sabhash Yadav S/O Laldhar Yadav @ Lal Bihari Yadav
Resident Of Village- Lilawaran, Ps- Banka, Dist.- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 20-08-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Banka P.S. Case No. 245 of 2023, registered for the offences punishable under Sections 341, 323, 324, 506 and 307/34 of the Indian Penal Code.

3. On the fateful day, while the informant was at her house, in the meanwhile, all the accused persons, including the petitioner, came there and started abusing by calling her witch and also threatened to force her to drink faced matter. Allegedly the petitioner has assaulted her by means of sword and when the son of the informant came to her rescue, he was also assaulted by sword, due to which he sustained serious injuries over his hand and head.



4. Learned Advocate for the petitioner submitted that the present case is nothing but the counter blast to Banka P.S. Case No. 244 of 2023, and in fact, it is the informant's side, who were aggressor and brutally assaulted the members of the petitioner. During the course of investigation, the statement of independent witnesses were recorded and they have categorically stated that both the parties are own *gotiyas* and on account of a land dispute, they entered into a free fight, resulting into injuries to persons of both the sides. So far the injury allegedly sustained to the informant is concerned, there is no such injury report on record, moreover, the injury which is allegedly sustained to the son of the informant is concerned, though it is alleged that the same is found to be grievous in nature, but it has not been disclosed as to by which weapon it has caused. The allegation of causing sword blow *viz-a-viz* did not corroborate with the injury report. The petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submitted that there is serious allegation against the petitioner that he assaulted the informant and her son by means of sword.



6. Having considered the submissions set-forth by learned Advocate for the respective parties and taking note of the materials collected during the course of investigation, as also the injury report, which does not corroborate the allegation of causing assault by means of sword, apart from the factum of case and counter case and fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 245 of 2023, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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