

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34988 of 2025

Arising Out of PS. Case No.-487 Year-2024 Thana- BABUBARHI District- Madhubani

Sutakun Yadav Son of Late Rujhan Yadav Resident of village - Chhotki
Rauahi Ward No.- 9, P.S.- Babubarhi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv Mrs. Vaishnavi Singh, Adv
For the Informant	:	Mr. Subhash Kumar Jha, Adv
For the Opposite Party/s	:	Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 04-07-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Babubarhi P.S Case No. 487 of 2024 registered
for the offences punishable under Sections 191(2), 191(3), 190,
103(1), 303(2), 352 and 351(2) of the B.N.S.

3. As per the prosecution case, on 07.11.2024 at about
07:00 P.M., the petitioner came in front of the informant's house
and started bursting cracker. On being opposed by the
informant's brother, the petitioner and the co-accused persons
started abusing him and gave a farsa blow on his head due to
which he became unconscious. It is further alleged that the



petitioner had assaulted one Gulab Devi with Kudal on her head causing grievous injury.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case and he is 86 years old man. It is further submitted that from perusal of the injury report of the said Gulab Devi, it would be evident that the injuries are simple in nature. It is next submitted that there is a case and counter case between the parties and the said incident had occurred on the spur of the moment and there was no intention of the parties to kill. The petitioner has one criminal antecedent as stated in para 3 of the bail petition.

5. Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the petitioner and stated that there is specific allegation against the petitioner to have assaulted Gulab Devi on her head with the intention to kill her.

6. Considering the aforesaid facts and circumstances of the case and taking into account the age of the petitioner and also considering the nature of allegation, let the above named petitioner, in the event of his arrest/surrender within a period of four weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 10,000/- (Rupees ten thousand) with



two sureties of the like amount each to the satisfaction of the learned court concerned, Madhubani, in connection with Babubarhi P.S Case No. 487 of 2024, subject to the conditions as laid down under Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.), with further condition/s:-

(i) One of the bailors will be close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. The application stands allowed.

(Sourendra Pandey, J)

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