

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31778 of 2025

Arising Out of PS. Case No.-90 Year-2008 Thana- TURKAULIYA District- East Champaran

Shambhu Nath Prasad Yadav @ Shambhunath Prasad S/O Late Nawab Prasad
Yadav R/O Village- Gokhula Ward No. 06, P.S- Banjariya, Distt.- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Pandey, Adv.
For the State : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 05-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 447, 379 of the Indian Penal Code.

3. The allegation in the FIR is that the petitioner repeatedly assaulted the informant with an iron *daab* due to which the informant sustained injury on his head.

4. Learned counsel for the petitioner submits that after investigation, no charge sheet was submitted against the petitioner and he was not sent up by the police. However, subsequently, the learned Court concerned, differing with the said final form, took cognizance under Section 307 of the



Indian Penal Code along with other sections even against the present petitioner vide an order dated 17.01.2011. It is further submitted that the petitioner did not have any knowledge of the fact that cognizance has been taken against him as no summons had been served upon him and all of a sudden on 27.01.2025, non-bailable warrants were issued against the petitioner whereafter the present facts came to the knowledge of the petitioner and he immediately approached the Court for grant of anticipatory bail. The entire ordersheet has been brought on record by way of supplementary affidavit. So far as the merits of the case is concerned, it is submitted that he has been made an accused on account of some dispute with regard to *panchayat* elections. It is next submitted that the injury report of the informant although indicates that there are two incised injuries on his person; one on the head and other on the right forearm, but the same are simple in nature. It is also submitted that the petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail.

6. Considering the entire facts and circumstances of the case, I am inclined to grant the privilege of anticipatory bail to



the petitioner. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Turkauliya (Banjaria) P.S. Case No. 90 of 2008, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and also to the further conditions that:

(i) One of the bailors shall be a family member or a close relative of the petitioner, who would give an affidavit giving genealogy as to how he is related with this petitioner.

(ii) The petitioner would cooperate in the trial.

(Soni Shrivastava, J)

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