

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30598 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- GORADIH District- Bhagalpur

1. Prakash Yadav @ Pagla Yadav S/o- Sahdev Yadav Resident of Itwa Kasimpur PS- Gorodih District-Bhagalpur
2. Manoj Yadav S/o- Sahdev Yadav Resident of Itwa Kasimpur PS- Gorodih District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-05-2025 Heard Mr. Praveen Kumar Agrawal, learned
counsel for the petitioners and Mr. Raj Ballabh Singh, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Goradih P.S. Case No. 38 of 2025, F.I.R. dated 12.02.2025 for the offences punishable under Sections 126(2), 115(2), 118(1), 118(2), 109, 252, 251(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. According to prosecution case, these petitioners along with other accused persons in a drunken stated and armed with deadly weapon intercepted the informant and Ajit Yadav and assaulted them due to which they have received injuries.



4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that although the petitioners are named in the F.I.R but from perusal of the F.I.R it appears that there is no specific allegation of assault attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. He further submits that the present case is the counter blast of Goradih P.S. Case No. 33 of 2025 filed by the petitioner no. 2 against the informant and other accused persons. Although Titlesh Yadav and Ajit Yadav have received injury but the injury report of the injured persons suggest that the injury is simple in nature.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the F.I.R and apart from that petitioner no. 1 carries three criminal antecedents and petitioner no. 2 carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioners are on bail in all the cases.

6. Considering the aforesaid facts and circumstances that there is no specific allegation of assault against the



petitioners and the injury report suggests that the injuries are simple in nature, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Goradih P.S. Case No. 38 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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