

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31006 of 2025

Arising Out of PS. Case No.-55 Year-2022 Thana- KADIRGANJ District- Patna

Mithilesh Yadav S/O Yudagi Prasad R/O Village- Bari Bigha, P.S- Kadirganj,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Adv.
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP
For the Informant	:	Mr. Pramod Rajpati, Adv.
		Mrs. Sama Akhtar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 14-08-2025 Heard the learned Advocate for the petitioner, learned
Advocate for the informant and the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Kadirganj P.S. Case No. 55 of 2022, registered for the offences punishable under Sections 341, 323, 324, 325, 379, 354, 448, 504 and 506/34 of the Indian Penal Code.

3. Allegedly, while the informant was at her home, in the meanwhile, all the accused persons, including the petitioner, armed with weapons forcibly entered in the house and started abusing. It is specifically alleged that co-accused Mukesh Yadav and the petitioner tried to outrage her modesty. On the screaming of the informant, her mother-in-law came to rescue her, who was also assaulted by co-accused Khushbu Devi and



Gita Devi. It is further alleged that the accused persons snatched the valuables and co-accused Mukesh Yadav assaulted her with iron rod, due to which she sustained injury on her head. Thereafter, Mithilesh Yadav also assaulted her by means of Khanti, due to which she sustained serious injuries.

4. Learned Advocate for the petitioner contended that there is allegation of assaulted by co-accused Mukesh Yadav and this petitioner over the head of the informant, however, she sustained only one injury caused by hard and blunt substance. Furthermore, there is a counter version of the present case being Kadirganj P.S. Case No. 56 of 2022, instituted against the informant and her family members. In fact on the alleged date of occurrence, both the parties have entered into a scuffle, resulting into injuries to persons of both the sides. Both the parties are own *gotiyas* and there is a land dispute between them. The petitioner has one criminal antecedent, but he is on bail in the said case.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that subsequent to the present case, the petitioner has been made accused in Kadirganj P.S. Case No. 181 of 2022 on the charge of causing death of the informant's husband. Moreover, the injury,



which is found over the head of the informant, that has been found to be grievous in nature.

6. Having considered the submissions set-forth by learned Advocate for the respective parties and taking note of the grievous nature of injuries with the specific allegation against the petitioner, as also that subsequently he has been made accused with respect to the charge of causing death of the informant’s husband, this Court is not acceded to the prayer for grant of anticipatory bail to the petitioner.

7. Accordingly, the prayer for bail stands rejected.

8. However, it is made clear that if the petitioner surrenders before the Court below, preferably within a period of four weeks, from today, the learned jurisdictional Court shall take into consideration the prayer of bail of the petitioner, without being prejudice by the order of this Court.

(Harish Kumar, J)

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