

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35597 of 2025

Arising Out of PS. Case No.-530 Year-2024 Thana- PANCHRUKHI District- Siwan

1. Haresh Yadav @ Hresh Kumar Yadav S/o Dev Bali Yadav Resident of Village - Jasauli Kharg, P.S. - Pachrukhi, District - Siwan
2. Kamlesh Yadav @ Kamlesh Kumar Yadav S/o Dev Bali Yadav Resident of Village - Jasauli Kharg, P.S. - Pachrukhi, District - Siwan
3. Golu Yadav @ Golu Kumar Yadav @ Gullu Yadav @ Gallu Yadav S/o Dev Bali Yadav Resident of Village - Jasauli Kharg, P.S. - Pachrukhi, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Prakash Singh, Advocate
For the Informant	:	Mr. Ajay Kumar Tiwary, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-06-2025 Learned counsel for the petitioners is directed to make correction in paragraph-8 of the petition in course of the day.

2. Heard Mr. Bijay Prakash Singh, learned counsel for the petitioners, Mr. Ajay Kumar Tiwary, learned counsel for the Informant and Mr. Chandra Bhushan Prasad, learned APP for the State.

3. The petitioners are apprehending their arrest in connection with Pachrukhi P.S. Case No. 530 of 2024, F.I.R. dated 15.11.2024 registered for the offences punishable under Sections 126(2), 115(2), 117(2), 109, 303(2), 324(4), 352, 351(2), 3(5) of



Bhartiya Nyaya Sanhita, 2023 and later on Section 103(1) of B.N.S., 2023 was added.

4. Allegation against the petitioners is that they along with other co-accused persons lacerated with lathi, danda, bricks stone came and started assaulting the informant and his family members due to which they sustained head injuries and the left hand of the informant's son was also fractured.

5. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. Although, the petitioners are named in the F.I.R. but from perusal of the F.I.R. it appears that there is specific allegation of assault attributed against co-accused person namely Devbali Yadav. Although, the allegation against the petitioner no. 1, namely Haresh Yadav @ Haresh Kumar Yadav is that he assaulted to the wife of the informant and the wife of the informant has received injury but the injury report of the wife of the informant suggests that the injury is simple in nature and there is no specific allegation against the petitioner nos. 2 and 3 rather there is general and omnibus allegation against the petitioner nos. 2 and 3 and there is case and counter case between the parties.

6. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioners.



7. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and there is case and counter case between the parties and the injury inflicted upon the injured person is simple in nature, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Pachrukhi P.S. Case No. 530 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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