

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34417 of 2025

Arising Out of PS. Case No.-409 Year-2024 Thana- JHAJHA District- Jamui

Baleshwar Yadav S/O Damar Yadav @ Doman Yadav R/O Village-Harna, PS-
Jhajha, Distt- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 03-06-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioner who is in custody in connection with Jhajha P.S. Case No. 409 of 2024 (G.R. No.2185/2024), lodged on 15.09.2024, under Sections 191(2), 191(3), 190, 333, 103(1) of B.N.S., 2023.

3. As per the prosecution, FIR has been lodged against eight named accused persons including the present petitioner with specific allegation that at about 01:00 p.m. the accused persons entered in the house of the informant and attacked with an Axe to the father of the informant, due to which he got



injured and subsequently died in a hospital.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that only allegation against the petitioner that he is a member of mob. There is no allegation of act or overt act against him. Counsel further submits that specific allegation is against co-accused, namely, Binod Yadav and Bittu Kumar and not against the present petitioner and he is in custody since 08.03.2025, having no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that petitioner was a member of mob and allegedly he entered at the house of the informant and assaulted two of the family members of the informant.

6. Considering the fact that entire member entered in the house of the informant with common intention and two of them have acted rest were silent, common intention is there, therefore, this Court is not inclined to enlarge the petitioner on bail in connection with Jhajha P.S. Case No. 409 of 2024 (G.R. No.2185/2024) pending in the court of learned Chief Judicial Magistrate, Jamui. Hence, the prayer for bail of the petitioner is hereby rejected.

7. However, the trial Court is directed to release the



petitioner on bail by imposing its own condition so that the
petitioner may not evade appearance during trial, if he renews
his prayer for bail after framing of charge.

(Dr. Anshuman, J)

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