

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33161 of 2025

Arising Out of PS. Case No.-137 Year-2024 Thana- ISHUPUR BARAHAT District-
Bhagalpur

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Jichhu Yadav S/o Amresh Yadav R/o Village- Futhachak, P.S.- Ishipur
(Barahat), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 33806 of 2025

Arising Out of PS. Case No.-137 Year-2024 Thana- ISHUPUR BARAHAT District-
Bhagalpur

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1. Amresh Yadav S/o- Late Dhero Yadav Resident Of Village-Futhachak, Ps-
Ishipur Barahat, Dist- Bhagalpur
2. Dharmdeo Yadav S/o- Amresh Yadav Resident Of Village-Futhachak, Ps-
Ishipur Barahat, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 33161 of 2025)

For the Petitioner/s : Mr.Pankaj Kumar, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 33806 of 2025)

For the Petitioner/s : Mr.Pankaj Kumar, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioners and learned

A.P.P. for the State.

2. In the present case, the petitioners seek bail in

connection with Ishipur (Barahat) P.S. Case No. 37 of 2024,



registered for the offences under Sections 190, 191, 329(4), 352, 115(2), 117(2), 109(1) of the BNS and later on added Section 103 of the BNS and Section 34 of the Prevention of Witch Practices Act.

3. As per the prosecution case, petitioners and other co-accused persons, all armed with *lathi*, *danda* and iron rod entered into the house of the informant and started assaulting the mother of the informant calling her witch. In the assault by the petitioners, Jichhu Yadav and Jairam Yadav, the hands and legs of the mother of the informant were fractured. When the informant and his brother came for her rescue, they were also assaulted. The mother of the informant died during her treatment.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. From the FIR it is explicit that none of the injuries received by the mother of the informant is on any vital part. Moreover, the size of the injuries shows the injuries are superficial. Learned counsel further submits that the FIR has been lodged after delay of 11 days without any explanation. The present case is nothing but counter blast of Ishipur (Barahat)



P.S. Case No. 134 of 2024 lodged by the petitioners side against informant and his family members as a number of persons from the petitioners side received injuries. Learned counsel further submits that from the FIR it is clear that there was no intention to cause death of any person and the death of mother of the informant is not the direct result of the alleged assault. The petitioners are in custody since 21.01.2025 and charge sheet has been submitted. The petitioners have clean antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits that there is direct allegation against the petitioners that they along with other co-accused persons assaulted the informant, his mother and other family members causing a number of injuries to them and mother of the informant succumbed to death.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the late filing of the FIR and also considering the earlier counter version of the petitioners side and further considering their period of custody and submission of charge sheet, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with



two sureties of the like amount each to the satisfaction of learned JMFC, Bhagalpur/concerned court, in connection with Ishipur (Barahat) P.S. Case No. 37 of 2024, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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