

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35195 of 2025

Arising Out of PS. Case No.-125 Year-2024 Thana- SIMRI District- Buxar

Adarsh Yadav S/O Sri Bhagwan Yadav R/O Village- Nagpura, P.S- Simri,
Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 03-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Simri P.S. Case No. 125 of 2024 registered for the offences punishable under Sections 149,147, 341, 323, 324, 504, 379, 506, 307 of the Indian Penal Code.

3. As per prosecution case, petitioner is said to have exhorted other persons to assault the informant's son. Thereafter, co-accused Sanjay Yadav assaulted the informant's son by means of fighter as a result of which informant's son sustained injury on his eye and head. Thereafter, petitioner and others thrashed the informant's son on the ground and dragged him. It is alleged that co-accused Bharat Yadav snatched Rs. 900/-(in cash) from the pocket of informant's son and assaulted



him by means of fighter, lathi and danda.

4. Learned counsel for the petitioner submits that from the perusal of FIR, it is crystal clear that petitioner is merely an order giver. He further submits that the allegation of assaulting the informant's son is attributed against co-accused Sanjay Yadav, as mentioned in impugned order. He further submits that no specific allegation of assault is attributed against the petitioner rather the allegation against the petitioner is general and omnibus in nature. He further submits that the occurrence took place on 26.03.2024 and the FIR was lodged on 02.04.2024 i.e. after delay of about seven days. He further submits that no plausible explanation has been given by the informant regarding the said delay. He further submits through paragraph 11 of the instant petition that injury report mentioned in impugned order indicates that injured Vikash Kumar Yadav has sustained two injuries and as per FIR the said injuries are caused by co-accused Sanjay Yadav. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case in which he is on bail. It has been orally submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.



5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that though petitioner is order giver but informant's son has sustained injury on his head and the said injury is found to be grievous in nature, as mentioned in impugned order, and petitioner cannot escape from the liability of the alleged occurrence. Hence, petitioner does not deserve bail.

6. Considering the facts and circumstances of the case, petitioner is merely an order giver, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Simri P.S. Case No. 125 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner



despite giving assurance to this Court is not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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