

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38827 of 2025

Arising Out of PS. Case No.-390 Year-2024 Thana- PARAIYA District- Gaya

Jogindra Yadav @ Yogendra Yadav S/o Barat Yadav @ Rambrat Yadav
Resident of Village- Bagahi Tola, Bankepur, PS- Paraiya, Distt.- Gaya
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Ranjan Kumar, Adv.
For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 14-07-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Paraiya
P.S. Case No. 390 of 2024 instituted for the offences under
Sections 126(2), 115(2), 109, 117(2), 352 and 351(2), 3(5) of the
Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, all the accused persons
named in the F.I.R. entered into the Informant's house and
started beating the Informant and his family members with stick
in which several persons of the informant's side sustained
injuries. It is alleged that the injured Feku Yadav died in course
of his treatment.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case



due to village politics. The petitioner has not committed any offence as alleged in the F.I.R. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. Both the parties are co-villages and next door neighbour. The petitioner has got one criminal antecedent in which he is on bail and are languishing in judicial custody since 04.11.2024 without any rhymes or reason. He further submits that the co-accused Kaushmi Devi and Samod Yadav have already been granted bail by this Court vide order dated 24.06.2025 passed by this Court in Cr. Misc. No. 18136 of 2025.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged against the petitioner is serious in nature. The postmortem report supports the prosecution case. All the witnesses in their statements supported the case of the prosecution. The Investigating Officer, after completion of investigation, has submitted under Sections 126(2), 115(2), 109, 117(2), 352 and 351(2), 3(5) and subsequently added Section 103 of the Bhartiya Nyaya Sanhita, 2023. The petitioner bears one criminal antecedent each and, hence, he does not deserve bail.



6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Paraiya P.S. Case No. 390 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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