

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38696 of 2025

Arising Out of PS. Case No.-75 Year-2024 Thana- LADAIYATAR District- Munger

Ajay Kumar @ Ajay Yadav, aged about 32 years, Male, S/o- Kaleshwar Prasad Yadav @ Kaleshwar Yadav, resident of village- Ladaiyatand, PS- Ladaiyatand, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indu Bhushan, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Ladaiyatand PS Case No.75 of 2024 dated 13.09.2024, instituted under Sections 126(2), 127(2), 115(2), 109, 76, 303(2), 352, 351(2) of the *Bharatiya Nyaya Sanhita*, 2023.

3. The prosecution case, in brief, is that on the alleged date of occurrence wife of the informant had gone in the field situated besides his house. It is alleged that co-accused Rajesh Yadav and Chandan Yadav started abusing her and tried to misbehave with her. When she raised alarm, her son reached there and then the petitioner along with other accused named in the FIR came there with deadly weapons in their hands and the petitioner ordered them to kill all of them and then co-accused



Amit Yadav assaulted the wife of the informant on her head by means of iron rod and when the informant came to save his wife, co-accused Abhishek Yadav tried to assault him by *lathi* on his head, but he saved his head and received injury on his shoulder.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is case and counter case between the parties. Counter case has been lodged by co-accused, Rajesh Kumar, vide Ladaiyatand PS Case No.76 of 2024. Further submission is that there is specific allegation against Amit Yadav of assaulting the wife of the informant on her head and against Abhishek Yadav of assaulting the informant on his shoulder. Allegation against the petitioner is that he is only an order giver. There is no allegation of assault against the petitioner. Lastly, it is submitted that two criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon



furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Munger, in Ladaiyatand PS Case No.75 of 2024, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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