

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38159 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- ITARHI District- Buxar

1. Shivji Yadav S/O Tulsi Yadav R/O Village- Shivpur Dera, Khatiba, PS- Itarhi, District- Buxar
2. Jairam Yadav S/O Late Kedar Yadav R/O Village- Shivpur Dera, Khatiba, PS- Itarhi, District- Buxar
3. Sriram Yadav S/O Late Kedar Yadav R/O Village- Shivpur Dera, Khatiba, PS- Itarhi, District- Buxar
4. Jitesh Yadav @ Jitesh Kumar S/O Late Kedar Yadav R/O Village- Shivpur Dera, Khatiba, PS- Itarhi, District- Buxar
5. Ajit Yadav @ Ajit Kumar S/O Jairam Yadav R/O Village- Shivpur Dera, Khatiba, PS- Itarhi, District- Buxar
6. Panil Yadav @ Panil Kumar S/O Sriram Yadav R/O Village- Shivpur Dera, Khatiba, PS- Itarhi, District- Buxar
7. Amit Yadav @ Amit Kumar S/O Upendra Yadav R/O Village- Shivpur Dera, Khatiba, PS- Itarhi, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-06-2025 Heard Mr. Satyapal Singh, learned counsel for the petitioners and Mr. Uday Pratap Singh, learned APP for the State.

2. After some arguments, learned counsel for the petitioners submits that during the pendency of the petition, petitioner no. 2, namely, Jairam Yadav, has been arrested and as such he seeks permission to withdraw the application with



respect of petitioner no. 2, namely, Jairam Yadav as having become infructuous.

3. Permission is accorded.

4. The bail application with respect to petitioner no.2, namely, Jairam Yadav is dismissed as withdrawn as having become infructuous.

5. The petitioners (except petitioner no.2) are apprehending their arrest in connection with Itarhi P.S.Case No. 47 of 2025, F.I.R. dated 16.03.2025 registered for the offences punishable under Sections 191(2)/191(3)/190/118(1)/117(2)/109/303(2)/74 of the BNS.

6. Allegation against the petitioners is of inflicting sword blow on the head of the informant against Sanjay Yadav, Shivji Yadav assaulted Mantu Yadav by means of spade blow on his head and wounded it. Jitesh Yadav injured head and hand of informant's nephew Vishnu Yadav. Tulsi Yadav assaulted Shivshanker by means of lathi and wounded his head. Chandan Yadav assaulted and injured Sumit Yadav by means of iron faruhi. Mukhlal Yadav and Jayram Yadav assaulted Pramod Yadav by means of lathi.

7. Learned counsel for the petitioners submits that the petitioner nos. 1, 2, 3, 5 and 6 having clean antecedents and



petitioner nos. 4 and 7 carries one more case other than the present one in which petitioner nos. 4 and 7 are on bail in the pending matter. He further submits that the allegations as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. and there is case and counter case between the parties. Although, there is specific allegation against the petitioners in the F.I.R. that they have assaulted to the informant and their family members but the injury report of the injured persons suggests that the injuries are simple in nature except the injury of Pramod Yadav and Vishnu Yadav. Although Vishnu Yadav has received injury on his hand and due to fracture in his finger, the injury is grievous in nature.

8. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners (except petitioner no.2).

9. Considering the aforesaid facts that there is case and counter case between the parties and injuries inflicted upon the injured persons are simple in nature except the injury of Pramod Yadav which was inflicted by the assault of petitioner no. 2, namely, Jairam Yadav, let the petitioners (except petitioner no.2), above named, in the event of their arrest or surrender before the court below within a period of thirty days



from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Itarhi P.S. Case No. 47 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners (except petitioner no.2) shall co-operate 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 on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners (except petitioner no.2) tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners (except petitioner no.2) and in case at any stage, it is found that the petitioners (except petitioner no.2) have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners (except petitioner no.2). However,



the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

