

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38993 of 2025

Arising Out of PS. Case No.-424 Year-2024 Thana- PARAIYA District- Gaya

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1. Ramjee Kumar @ Ramjee Yadav S/o Jattu Yadav R/o Village- Damakwa, P.S.- Paraiya, District- Gaya
 2. Jattu Yadav S/o Late Rameshwar Yadav R/o Village- Damakwa, P.S.- Paraiya, District- Gaya
 3. Soniya Devi W/o Jattu Yadav R/o Village- Damakwa, P.S.- Paraiya, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh
For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 25-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. After some argument learned counsel for the petitioners prays for withdrawal of the anticipatory bail application of petitioner no. 2 namely, Jattu Yadav in order to surrender and seek regular bail. In case the petitioner surrenders within a period of three weeks before the learned court below the same shall be considered on its own merit without being prejudiced by the present order of withdrawal.

3. The petition now survives only against petitioner no. 1 , namely, Ramjee Kumar@ Ramjee Yadav and petitioner



no. 3, namely, Soniya Devi.

4. The petitioners apprehend their arrest in a case registered for the offence punishable under sections 115(1), 126(2), 109, 303(2), 74, 117(2), 352, 351(2), 3(5) of the BNS.

5. The prosecution case in brief is that all the accused persons being variously armed, are said to have come and assaulted the informant and his family members.

6. Learned counsel for the petitioner submits that the FIR itself reveals that there has been an inordinate delay of ten days in lodging the FIR, inasmuch as the date of occurrence is 01.11.2024, whereas the fardbeyan was recorded on 10.11.2024 and the formal FIR was registered on 24.11.2024. No plausible explanation or cogent reason has been assigned in causing the delay in recording the fardbeyan or lodging the FIR. The allegations against the two petitioners are general and omnibus in nature and the allegations are somewhat specific with regard to other co-accused persons concerning assault upon the informant causing him grievous injury. It is further submitted that there is a case and counter case and the case lodged on the petitioner's side was lodged on 02.11.2024 which is much prior to the present case.

7. The learned APP opposes the prayer for bail of the petitioners.



8. Considering all the above mentioned facts and circumstances, let the above named petitioner nos. 1, and 3, in the event of their arrest/ surrender within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Paraiya P.S.Case No.424 of 2024, subject to condition as laid down under section 438(2) of the Cr.PC .

(Soni Shrivastava, J)

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