

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38520 of 2025

Arising Out of PS. Case No.-265 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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Brij Bihari Yadav S/o Shyam Kishor Yadav R/o Village -Gausaghat Navtoli
,P.s- Sadar, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Baidyanath Prasad, Advocate
For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-06-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Darbhanga Sadar P.S. Case No. 265 of 2024 for the offence under sections 126(2), 352, 351(2), 115(2), 110, 76, 303(2) and 3(5) of the B.N.S. lodged on 08.07.2024 by the informant, Gulbiga Devi.

3. As per the prosecution story, the informant alleged that the accused persons were assaulting her daughter and son-in-law and when the informant, Gulabiya Devi went to save them, allegation is that this petitioner assaulted by iron rod causing injury above her eyes. This led to the FIR.

4. Learned counsel for the petitioner with the help of paragraph-9 submits that injury has been found to be simple in



nature, both are agnates, this petitioner has no criminal antecedent and further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant's side has alleged injuries, the petitioner on its own would like to contribute Rs. 10,000/- towards the medical assistance through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer submitting that the lady, her daughter as also son-in-law were assaulted.

6. Taking into account the submissions of the parties as also that the petitioner has no criminal antecedent, the injury has been found to be simple in nature, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court to be handed over to the informant.

7. If, however, contrary to the statement made in paragraph-9 in the petition it is found that the statement regarding the injury being simple in nature is incorrect, the



order shall become infructuous.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Darbhanga in connection with Darbhanga Sadar P.S. Case No. 265 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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