

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41339 of 2025

Arising Out of PS. Case No.-49 Year-2025 Thana- KHIJARSARAI District- Gaya

Upendra Yadav S/o Late Sukhdev Yadav R/o Village-Bakhtar, P.S.-
Khizersarai, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prithivi Raj Singh, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Khizersarai P.S. Case No. 49 of 2025 registered on 02.03.2025 for the alleged offences under Sections 191(2), 126(2), 115(2), 125(a), 109(1), 352, 351(2) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, petitioner and other co-accused persons, who were variously armed making an unlawful assembly, attacked the house of the informant and assaulted the informant and his brother, causing injuries to them.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. For an occurrence of 24.02.2025, the FIR has been lodged



on 02.03.2025 without any explanation for the delay. Prior to lodging of the present FIR, the petitioner has lodged Khizersarai P.S. Case No. 41 of 2025 against the informant and his family members. The present FIR has been lodged by the informant only to save his skin. Learned counsel further submits that the informant side was assailant. There is specific allegation against the petitioner that he assaulted the brother of the informant with rod on his head, but the injury report of the brother of the informant shows only three abrasions on whole body and the first abrasion is of size 2cm on left parietal region and other abrasions are between right thumb and index finger and on left index finger and the injuries are stated to be simple. It shows that the injuries are superficial and the allegation of assault on the brother of the informant is completely false. Learned counsel further submits that the petitioner and the informant are co-villagers and co-sharers and there is land dispute between them. Learned counsel further submits that co-accused, Rakesh Kumar, has been granted bail by a Co-ordinate Bench of this Court vide order dated 25.06.2025 passed in Criminal Misc. No. 38873 of 2025. The petitioner is in custody since 05.03.2025 and charge-sheet has been submitted. The petitioner is having antecedent of five cases and he has been granted bail in all such



cases.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that the *fardbeyan* was recorded on 25.02.2025 as it is apparent from the record, which is just after the occurrence. The petitioner is having antecedent of similar nature of cases and appears to be a habitual offender.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the simple and superficial nature of injuries and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 learned Judicial Magistrate-1st Class, Gaya/court concerned in connection with Khizersarai P.S. Case No. 49 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates



or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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