

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43793 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- KHIJARSARAI District- Gaya

1. Ashok Kumar @ Ashok Yadav S/O Jairam Yadav R/O Village - Bakhtar, P.S.- Khizarsarai, District -Gaya.
2. Jairam Yadav @ Jayram Yadav S/O Late Kuldeep Yadav R/O Village - Bakhtar, P.S.- Khizarsarai, District -Gaya.
3. Krishna Yadav S/O Ramdahin Yadav R/O Village - Bakhtar, P.S.- Khizarsarai, District -Gaya.
4. Chandan Kumar @ Chandan Yadav S/O Krishna Yadav R/O Village - Bakhtar, P.S.- Khizarsarai, District -Gaya.
5. Sugan Kumar @ Sugan Yadav S/O Dwarika Yadav R/O Village - Bakhtar, P.S.- Khizarsarai, District -Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 29-08-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Khizarsarai P.S. Case No. 41 of 2025 dated 24.02.2025 registered for the offences punishable under Sections 191(2), 126(2), 115(2), 352, 125(a), 109(1) of B.N.S.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have surrounded the informant and started abusing, on protest, all the accused persons assaulted



him with fists, slaps, lathi and bricks due to which he sustained injury. When his father came to save him, he was also assaulted by the accused persons due to which he also sustained injury and blood started oozing from his head and nose.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is no specific allegation against the petitioners rather the allegation against the petitioners is general and omnibus in nature. Nothing has been recovered from the conscious possession of the petitioners. As per the injury report of the injured (Annexure P3 and P3/1), the injury sustained by the informant (Rakesh Kumar) is simple in nature and the injury received by his father is stated to be grievous in nature whereas the injury report suggests that the injury no. 4 is body pain. The petitioners have no concern with the alleged offence. The co-accused persons have already been granted bail by this court vide order dated 05.05.2025 passed in Cr. Misc. No. 25490 of 2025. The petitioner no. 1, 3 and 5 have three criminal antecedent, the petitioner no. 2 has seven criminal antecedents and the petitioner no. 4 has one criminal antecedent as stated in para 3 and also stated in supplementary affidavit filed on behalf of the petitioners.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.



6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Gaya in connection with Khizarsarai P.S. Case No. 41 of 2025, subject to conditions as laid down under Section 482(2) of the B.N.S.S. with further conditions :-

(i) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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