

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44689 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- OBRA District- Aurangabad

Vinod Singh Yadav @ Binod Singh S/o- Late Mukha Singh Yadav Village-
Kharjama, Barauli, P.S. Barun, Dist- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Aman Vishal, Advocate

For the Opposite Party : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-11-2025 Heard Mr. Aman Vishal, learned Advocate for the
petitioner and Mr. Satyendra Narayan Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Obra P.S. Case No. 13 of 2025, registered for the offences
punishable under Sections 126(2), 115(20), 109(1), 303(2) and
3(5) of the Bhartiya Nyaya Sanhita 2023.

3. Based on the written report, the prosecution alleges
that while the brother of the informant was on his way to a
market, in the meanwhile, the petitioner along with others
caught hold and brutally assaulted him, due to which he
sustained serious injuries. There is further allegation of
snatching of valuables.

4. Learned Advocate for the petitioner submitted that
the informant is not an eye-witness to the alleged incident and



surprisingly even during the course of investigation, the statement of injured person has not been recorded, which clearly smacks *malafide* on the part of the Investigating Officer. In fact, on account of some enmity between the parties, the present FIR has been instituted. So far as the injury report of the injured Upendra Yadav is concerned, though one of the injuries is said to be grievous in nature. There is two days delay in lodging of the FIR. The petitioner is having two criminal cases over his head.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that because of the assault caused by the petitioner, the informant's brother sustained one grievous injury and he also bears two criminal antecedents. However, he could not controvert the submission of learned Advocate for the petitioner that the statement of the injured is not on record.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the FIR has been instituted by the brother of the injured, who is not the eyewitness to the alleged occurrence, besides the delay in lodging of the FIR and till date the statement of the injured has not been recorded, let the petitioner abovenamed be released on



bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Daudnagar, Aurangabad, in connection with Obra P.S. Case No. 13 of 2025 subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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