

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45421 of 2025

Arising Out of PS. Case No.-396 Year-2025 Thana- MADHEPURA District- Madhepura

1. RAJENDRA YADAV @ RAJENDRA PRASAD YADAV Son of Late Jangal Yadav Resident of Village - Jaipalpatti, Ward No.- 15, Madhepura, P.S.- Madhepura, District - Madhepura.
2. Sikendra Yadav @ Sikendra Prasad Yadav Son of Late Jangal Yadav Resident of Village - Jaipalpatti, Ward No.- 15, Madhepura, P.S.- Madhepura, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the Informant	:	Mr. Durgesh Kumar, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-07-2025 Heard Mr. Sharda Nand Mishra, learned counsel for the petitioners, Mr. Durgesh Kumar, learned counsel for the Informant and Mr. Nirmal Kumar Sinha, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Madhepura (Barrahi O.P.) P.S. Case No. 396 of 2025, F.I.R. dated 26.03.2025 for the offences punishable under Sections 126(2), 115(2), 109, 308(4), 303(2), 352, 351(2), 3(5) of Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, on 25.03.2025, the work of metes and bounds was going on over the disputed land



in presence of both sides, in the meantime, the petitioners started assaulting the informant. When the wife and brother of the informant came to rescue, the accused persons assaulted them also. It is further alleged that the accused persons also misbehave with the wife of the informant and took out a golden chain and golden bala from her and a cash of Rs.15,000/- from the pocket of the informant and they also demanded ransom of Rs.Ten Lakh.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. There is case and counter case between the parties. It appears from the FIR that due to admitted land dispute the present occurrence has taken place. From bare perusal of the FIR it appears that there is no specific allegation against these petitioners that they have assault to the informant or his family members rather specific allegation of assault is attributed against co-accused person, namely, Vinod Kumar and petitioner no.1 is the order giver.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent, there is case and counter case



between the parties, due to admitted land dispute the present occurrence has taken place and specific allegation of assault is attributed against co-accused person, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Madhepura in connection with Madhepura (Brarrahi O.P.) P.S. Case No. 396 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall



verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Suruchi/-

U		T	
---	--	---	--

