

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43342 of 2025

Arising Out of PS. Case No.-114 Year-2025 Thana- BELAGANJ District- Gaya

1. Dina Yadav son of Late Chandradip Yadav Resident of village- Belhari PS -Belaganj Dist -Gaya
2. Briksh Yadav @ Rambriksh Yadav Son of Nanhak Yadav Resident of village- Belhari PS -Belaganj Dist -Gaya
3. Ajay yadav @ Ajay Kumar son of Late Sukhdeo yadav Resident of village- Belhari PS -Belaganj Dist -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Tiwari, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 15-10-2025 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners submits that 03 petitioners have approached this Court for grant of anticipatory bail. Petitioner no. 1 namely Dina Yadav is said to have been arrested during pendency of the instant bail application and accordingly, he seeks permission to withdraw the same.

3. Permission is accorded.

4. Accordingly, the anticipatory bail application filed with respect to Petitioner no. 1 namely Dina Yadav is dismissed as withdrawn.

5. Now, the petitioner nos. 2 and 3 apprehends their



arrest in connection with Belaganj P.S. Case No. 114 of 2025, dated 22.02.2025, registered under Sections 126(2), 115(2), 109(1), 303(2), 352, 351(2), 3(5) of the B.N.S.

6. The prosecution case, in brief, is that the petitioners along with other co-accused persons have formed an unlawful assembly and in furtherance of the common object of the said unlawful assembly, they have struck the head of the informant with lathi, danda, rod and butt of pistol. It is also alleged that the accused snatched the gold chain and took away Rs. 25,000/-.

7. Learned counsel for the petitioners by taking this Court to the F.I.R. submits that the injury, which is said to have been sustained by the informant was caused by 4 -5 unknown person, whose names have not been indicated, while against petitioner no. 2 and petitioner no. 3, the allegation of mercilessly assaulting is there. In so far, specific allegation against petitioner no. 2 of having injured the informant through butt of the pistol and rod, the nature of injury caused to the informant does not support the allegations levelled against these petitioners. It does not appear that any injury is sustained by the informant over his head, rather the injuries are said to have been sustained on the hand and leg of the informant. It has next been submitted that with respect to petitioner no. 3 and other co-accused Ajay Yadav, there is no allegation of having caused injury while



there is no specific allegation of having caused injuries with lathi and danda on the informant, rather it has jointly been alleged. They are said to have assaulted the informant over his arm and leg, while the injuries which have been found during course of investigation, injury nos. 2 and 3 are simple in nature and injury no. 1 which is sustained on the wrist, as per injury report, tenderness of left side of wrist joint is found, which is opined to be grievous in nature.

8. Learned counsel for the informant has vehemently opposes the prayer for grant of anticipatory bail to the petitioners and submitted that they have caused injuries to the informant, out of which one is grievous in nature while other two are simple.

9. Considering the fact that the injuries which are said to have been sustained by the informant has been caused by 4-5 unknown persons and the petitioner no. 2 and 3 have jointly been named to have assaulted the informant, as per the allegation made in the F.I.R. In view of the above, let the above named petitioner nos. 2 and 3, be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Chief Judicial Magistrate, Gaya in



connection with Belaganj P.S. Case No. 114 of 2025, subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

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

(ii) the petitioner (s) 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/her/their bail bond by the Trial Court itself;

(iii) the petitioner (s) 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;

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

(Ajit Kumar, J)

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