

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47119 of 2025

Arising Out of PS. Case No.-96 Year-2024 Thana- DHAMDHAHA District- Purnia

1. Jay Kishor Yadav S/o Late Asharfi Prasad Yadav Resident of Kukroun, Ward no 11, P.S.- Dhamdaha, District- Purnea
2. Manish Yadav S/o Jay Kishor Yadav Resident of Kukroun, Ward no 11, P.S.- Dhamdaha, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Fazle Karim, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2025 Heard Md. Fazle Karim, learned counsel for the petitioners and Mr. Abhay Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Dhamdaha P.S. Case No. 96 of 2024, F.I.R. dated 10.04.2024 for the offences punishable under Sections 147, 148, 323, 324, 307, 354, 354(B), 379, 34, 504 and 506 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including these petitioners armed with weapon have brutally assaulted the informant, her son and her brother-in-law due to which they have received severe injuries.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the



petitioners have not committed any offences as alleged in the F.I.R. From perusal of the F.I.R it appears that the occurrence took place on 12.02.2024 but the complainant has filed the complaint petition on 22.03.2024 which was converted into present F.I.R on 10.04.2024. Although there is specific allegation against the petitioners that they have assaulted to the informant and her family members due to which they have received injuries but the injury report of the injured persons, namely, Sita Devi (informant), Nitish Kumar and Kundan Kumar suggest that all the injuries are simple in nature.

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

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent and injuries received by the injured persons are simple in nature, 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 Chief Judicial Magistrate, Purnea in connection with Dhamdaha P.S. Case No. 96 of 2024, 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)

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