

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43863 of 2025

Arising Out of PS. Case No.-116 Year-2025 Thana- NEMDARGANJ District- Nawada

1. Mithilesh Yadav @ Mithilesh Prasad Yadav S/o Dowarika Yadav Resident Of Village- Savaiya Gopalpur, Ps- Nemdarganj, District- Nawada
2. Anandi Yadav @ Anandi Kumar S/o Payre Yadav @ Pyari Yadav Resident Of Village- Savaiya Gopalpur, Ps- Nemdarganj, District- Nawada
3. Dwarik Yadav @ Dowarika Yadav @ Dwarika Yadav S/o Late Baso Yadav Resident Of Village- Savaiya Gopalpur, Ps- Nemdarganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-07-2025 After some arguments, learned counsel for the petitioners seeks permission to withdraw this bail application with respect to petitioner no.1, namely, Mithilesh Yadav @ Mithilesh Prasad Yadav and petitioner no.2, namely, Anandi Yadav @ Anandi Kumar.

2. Permission is granted.

3. Accordingly, the bail application stands dismissed as withdrawn with respect to petitioner no.1, namely, Mithilesh Yadav @ Mithilesh Prasad Yadav and petitioner no.2, namely, Anandi Yadav @ Anandi Kumar.

4. Heard Mr. Sheo Kumar Prasad, learned counsel for



the petitioner and Ms. Nirmala Kumari, learned A.P.P. for the State.

5. The petitioner is apprehending his arrest in connection with Nemdarganj P.S. Case No. 116 of 2025, F.I.R. dated 16.04.2025 for the offences punishable under Sections 126(2), 115(2), 109, 118(1), 351, 352(2), 3(5) of the Bhartiya Nyay Sanhita, 2023.

6. As per the First Information Report, when the measurement was started by the Govt. amin on the Raiyati land of the informant, in the meantime the petitioner along with other accused persons arrived and started abusing the informant. Thereafter, the accused persons assaulted the informant by means of lathi, garasa, khanti and rod.

7. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Although the petitioner is named in the FIR but from bare perusal of the FIR it appears that the petitioner is the only order giver and there is no specific allegation of assault against this petitioner rather specific allegation of assault is attributed against co-accused persons.

8. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and



submits that the prayer for anticipatory bail of co-accused persons has been rejected by this Court.

9. Considering the aforesaid facts and circumstances, there is no specific allegation against the petitioner and the petitioner has clean antecedent, let the petitioner, 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) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-1st, Nawada in connection with Nemdarganj P.S. Case No. 116 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. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond 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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