

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44625 of 2025

Arising Out of PS. Case No.-87 Year-2025 Thana- MAJHAULIA District- West Champaran

1. Devsharan Yadav Son of Kamal Yadav Resident of Village- Rampurva Ward No. 02, Police Station- Majhauliya, District- West Champaran
2. Haresh Yadav @ Harish Yadav Son of Amerika Yadav @ Amirka Yadav Resident of Village- Rampurva Ward No. 02, Police Station- Majhauliya, District- West Champaran
3. Antu Yadav Son of Mohan Yadav Resident of Village- Rampurva Ward No. 02, Police Station- Majhauliya, District- West Champaran
4. Meghnath Yadav Son of Ramashish Yadav Resident of Village- Rampurva Ward No. 02, Police Station- Majhauliya, District- West Champaran
5. Birendra Yadav @ Virendra Yadav Son of Late Daroga Yadav Resident of Village- Rampurva Ward No. 02, Police Station- Majhauliya, District- West Champaran
6. Laldev Yadav Son of Late Daroga Yadav Resident of Village- Rampurva Ward No. 02, Police Station- Majhauliya, District- West Champaran
7. Aklesh Yadav @ Akhilesh Yadav Son of Yogi Yadav Resident of Village- Rampurva Ward No. 02, Police Station- Majhauliya, District- West Champaran
8. Saryu Yadav @ Saryug Yadav Son of Late Balkunwar Yadav @ Balkunwar Yadav. Resident of Village- Rampurva Ward No. 02, Police Station- Majhauliya, District- West Champaran
9. Amerika Yadav @ Amirka Yadav Son of Late Balkunwar Yadav @ Balkunwar Yadav Resident of Village- Rampurva Ward No. 02, Police Station- Majhauliya, District- West Champaran
10. Mohan Yadav Son of Late Algu Yadav Resident of Village- Rampurva Ward No. 02, Police Station- Majhauliya, District- West Champaran
11. Mukesh Yadav Son of Amerika Yadav @ Amirka Yadav Resident of Village- Rampurva Ward No. 02, Police Station- Majhauliya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-07-2025 Heard Mr. Sarvesh Kashyap, learned counsel for the

petitioners and Mr. Jitendra Kumar Singh learned APP for the



State.

2. The petitioners apprehend their arrest in connection with Majhauriya P.S. Case No. 87 of 2025 for the offence registered under sections 115(2), 118(1), 118(2), 109(1), 352(3), and 3(5) of the B.N.S. lodged on 04.02.2025 by the informant, Bigu Yadav.

3. As per the prosecution story, the informant alleged that while he was at his home, the accused persons armed variously came and badly assaulted Jai Prakash Kumar, Manager Yadav, Motilal Yadav and Pannalal Yadav. The locals came whereafter they will be saved and shifted to Government Medical College Hospital, Bettiah for further treatment, this led to the FIR.

4. Learned counsel for the petitioner submits that there is case and counter case between the parties and a minor scuffle has been given a colour of brutal assault, this can be reflected from the fact that the injuries have been found to be simple in nature. This statement of simple injuries to all the four injured have been recorded in para 8 of the petition filed by the petitioners herein. 5. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged



injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 2,000/- each (totally Rs. 22,000/-) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer submitting that the allegation of assault is against all the accused persons.

6. Taking into account the aforesaid facts as also that there is case and counter case, the injuries have been found to be simple in nature, FIR is there, they shall be facing the trial, in that background this Court is inclined subject to payment of Rs. 2,000- each (totaling Rs. 22,000/-) to the four injured persons as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioners in the event of their arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with



Majhauriya P.S. Case No. 87 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners 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;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(vi) If however it is found that contrary to the statement made in para 8 of the petition that the injuries have been found to be simple in nature, it is found that in the case of



any of the injured is grievous and/ or otherwise to the simple
injury, the order shall become infructuous.

(Rajiv Roy, J)

Raj Ranjan/-

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