

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46873 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- BANJARIA District- East Champaran

- 1 . Rambahadur Yadav @ Rambahadur Rai S/o Late Ramcharan Yadav @ Ramcharan Rai Resident of village -Lamauniya, P.S.- Banjariya, District- East Champaran
2. Laxman Yadav S/o Lalbahadur Yadav Resident of village -Lamauniya, P.S.- Banjariya, District- East Champaran
- 3 . Shatrudhan Yadav S/o Lalbahadur Yadav Resident of village -Lamauniya, P.S.- Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar , Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 28-11-2025 At the outset, learned counsel for the petitioners seek permission to withdraw the pre-arrest bail petition of petitioner No. 1 .

2. Permission is accorded.

3 . This bail petition with respect to petitioner No. 1 is dismissed as withdrawn .

4. Heard learned counsel for petitioner Nos. 2 and 3 and learned APP appearing on behalf of the State .

5 . The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 191(2), 190, 126(2), 115(2), 118(1), 109, 303(2), 352, 117(2) and 351(2)



of the B.N.S..

6. As per prosecution case, informant, namely Gauri Shankar Kumar, alleged that on 05.02.2025, during Idol procession, all the F.I.R. named accused persons, including these petitioners, were playing vulgar songs and upon objection, co-accused Sipahi Yadav and Santosh Kumar assaulted informant by means of sword and iron rod. Co-accused Satrudhan Yadav assaulted on the head of mother of informant by means of iron rod and co-accused Laxman Yadav assaulted *bua* of informant with knife and co-accused Mishrilal snatched Mangalsutra from mother of informant's neck . It is further alleged that all the accused persons assaulted other family members of informant.

7. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. From bare perusal of the F.I.R. it is apparent that specific accusation of assault is against other co-accused persons. So far as this petitioner is concerned, there are general and omnibus allegations and no specific accusation of overt act has been alleged against this petitioner. Injury caused by petitioner No. 2 is simple in nature . Petitioners claim clean antecedent.



8 . Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner No. 3 and submitted that injury caused by petitioner No. 3 is grievous in nature .

9. Considering the nature of injury caused by petitioner No. 3 , accusation and other circumstances of the case , prayer for pre – arrest bail of the petitioner is rejected.

10 . Considering the facts and circumstances of the case, general and omnibus nature of accusation and clean antecedents of the petitioner No. 2, the prayer for grant of anticipatory bail to the petitioner is allowed.

11 . Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner No. 2, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st, East Champaran, Motihari in connection with Banjariya P.S. Case No. 92 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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