

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47193 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- GORADIH District- Bhagalpur

1. Karu Yadav S/O Late Bhoju Yadav R/O Village- Itwa Kasimpur, P.S- Goradiah, Distt.- Bhagalpur.
2. Pramod Yadav S/O Late Bhoju Yadav R/O Village- Itwa Kasimpur, P.S- Goradiah, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-07-2025 Heard Mr. Rajive Ranjan Singh, learned counsel for
the petitioners and Mr. Binod Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Goradih P.S. Case No. 38 of 2025, F.I.R. dated 12.02.2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 118(2), 109, 352, 351(2), 3(5) of the B.N.S. Act.

3. Allegation against the petitioners is that they have assaulted to the informant due to which he sustained injuries.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. Although, the petitioners are



named in the F.I.R. but from perusal of the F.I.R. it appears that there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners and the present case is counter blast of Goradih P.S. Case No. 33 of 2025 filed by the petitioners'side against the informant and their family members. It appears from the Goradih P.S. Case No. 33 of 2025 that the informant's side has been aggressor and knowing the Goradih P.S. Case No. 33 of 2025 he has filed the Goradih P.S. Case No. 38 of 2025 against the petitioners and other co-accused persons. It appears from the F.I.R. itself that the date of occurrence as alleged in the F.I.R. is 05.02.2025 but the present F.I.R. was instituted on 12.02.2025 after delay of about seven days afterthought only to falsely implicate the petitioners. He further submits that similarly situated co-accused persons namely Prakash yadav @ Pagla Yadav and others have been granted the privilege of anticipatory bail by this Court vide order dated 14.05.2025 passed in Cr. Misc. No. 30598 of 2025.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case



and the fact that the petitioners having clean antecedents and the F.I.R. was instituted after delay of about seven days as well as there is case and counter case between the parties and there is no specific allegation against the petitioners in the F.I.R., let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Goradih P.S. Case No. 38 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) 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 antecedents, 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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