

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47303 of 2025

Arising Out of PS. Case No.-238 Year-2019 Thana- DULHIN BAZAR District- Patna

Prem Yadav Son of Kanhai Yadav R/O Vill and P.O.- Soniyawa (Pashami Tola), P.S.- Dulhin Bazar, District- Patna 801102

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 03-11-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Dulhin Bazar P.S. Case No. 238 of 2019, registered for the offences punishable under Sections 341, 323, 147, 148, 307 of the Indian Penal Code.

3. Allegedly, in the morning of the fateful day, while the informant's father-in-law went to tie his cattle, in the meanwhile, he found that co-accused Sudarshan Yadav and Prem Yadav had already tied their cattle in a field, whereupon the informant's father-in-law asked them to remove their cattle. On account of the aforesaid dispute, some altercation took place and it is specifically alleged that the petitioner and others assaulted the informant by means of *lathi*, *danda* and iron rod. It is also alleged that co-accused Yogesh, Dasai Yadav, Ajay Yadav



and Jitendra Yadav have also made two rounds of firing; however the informant's family escaped anyhow.

4. Learned Advocate for the petitioner submitted that besides the omnibus nature of allegation against the petitioner and all the accused petitioners, 14 in numbers, there is no allegation that the petitioner has actively participated in the crime. It is further submitted that though the informant's father-in-law has sustained two grievous injuries but the same have not been attributed against the petitioner. The petitioner was not all along aware regarding implication of his name in the present case and, as such, delay has occurred. Fair antecedent of the petitioner also supports his non participation; all the more the petitioner undertakes that he will fully participate in the proceeding of the case.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the participation of the petitioner is writ large; all the more the petitioner has been evading his arrest for five years.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the omnibus nature of allegation, coupled with the fair antecedent as also the present status report dated 21.08.2025



submitted by the Judicial Magistrate, 1st Class, Danapur that till date no process under Sections 82 and 83 of the Cr.P.C. has been issued, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Danapur in connection with Dulhin Bazar P.S. Case No. 238 of 2019, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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