

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48567 of 2025

Arising Out of PS. Case No.-204 Year-2025 Thana- AMARPUR District- Banka

1. Sikandar Prasad Yadav S/O Siwan Yadav R/O Village- Manik Pathada, P.S- Fullidumar, District- Banka.
2. Kunal Yadav @ Kunal Bihari S/O Sikandar Prasad Yadav R/O Village- Manik Pathada, P.S- Fullidumar, District- Banka.
3. Sunil Kumar @ Suman Kumar S/O Manoha Yadav R/O Village- Kaitha, P.S- Fullidumar, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Jha, Advocate Mr. Sanjeev Kumar @Deepak Sahay, Advocate
For the State	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-08-2025 Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioners as well as Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Amarpur (Fullidumar) P.S. Case No. 204 of 2025, F.I.R. dated 22.03.2025 for the offences punishable under Sections 126(2), 115(2), 109(1), 303(II), 352, 351(2), 3(5) of the BNS.

3. According to prosecution case, the petitioners along with other co-accused persons is said to have assaulted the informant and others with iron rod, sword, fists and slaps due to which they received injury. It is further alleged that accused



persons have snatched golden chain of 2 bhar from informant, Rs.20,000/- cash and some valuable papers.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. There is case and counter case between the parties. He further submits that although petitioners are named in the FIR but from a bare perusal of the FIR, it appears that the FIR is in two parts. In first part, there is specific allegation against the petitioner nos. 1 and 2 that they have assaulted the informant and she has received injury but injury report of the informant suggests that injury is simple in nature. In the second part of the FIR, there is general and omnibus allegation against all the accused persons that they have assaulted the son and husband of the informant. Although, injury report of informant's husband suggests that injury is grievous in nature but there is no specific allegation against these petitioners that they have assaulted informant's husband.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the



petitioners.

6. Considering the aforesaid facts and circumstances, the petitioners have clean antecedent, there is case and counter case between the parties, injury inflicted upon the informant is simple in nature and there is general and omnibus allegation against all accused persons that they have assaulted informant's husband, 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/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Banka in connection with Amarpur (Fullidumar) P.S. Case No. 204 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 and with other following conditions:-

i. 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 bond shall be cancelled by the Court below.

ii. If the petitioners 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, 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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