

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48410 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- SHAMBHUGANJ District- Banka

1. Lalan Yadav S/o- Buchi Yadav Resident of Village- Bela, Ps- Shambhuganj, Dist-Banka
2. Kundan Yadav @ Kundan Kumar S/o- Vilchan Yadav Resident of Village- Bela, Ps- Shambhuganj, Dist-Banka
3. Prashant Yadav @ Prashant Kumar S/o- Sunil Yadav Resident of Village- Bela, Ps- Shambhuganj, Dist-Banka
4. Subhat Yadav @ Sushant Kumar S/o- Sunil Yadav Resident of Village- Bela, Ps- Shambhuganj, Dist-Banka
5. Rohit Kumar S/o- Ugo Yadav Resident of Village- Bela, Ps- Shambhuganj, Dist-Banka
6. Raushan Kumar @ Roshan Kumar S/o- Ugo Yadav Resident of Village- Bela, Ps- Shambhuganj, Dist-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash Dwivedi, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-08-2025 Heard Mr. Ravi Prakash Dwivedi, learned counsel for the petitioners and Mr. Sanjay Kumar Tiwary, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sambhuganj P.S. Case No. 35 of 2025, F.I.R. dated 07.02.2025 for the offences punishable under Sections 126(2), 115(2), 110, 352, 351(2), 118(1), 3(5) of the Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, due to dispute of immersing idol of Saraswati goddess, the petitioners along with



others assaulted informant's nephew and on Sewak Yadav by *bhala* and *lathi*.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. From bare perusal of the FIR it appears that the FIR is in two parts. In the first part there is general and omnibus allegation the petitioners and in second part there is specific allegation against co-accused person, namely, Sunil Yadav and no specific allegation of assault or overt act against these petitioners.

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

6. Considering the aforesaid facts and circumstances, petitioners have clean antecedent and there is no specific allegation of assault against these petitioners, let the petitioners, above named, in the event of 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 Chief Judicial Magistrate, Banka in connection with Sambhuganj P.S. Case No. 35 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik



Suraksha Sanhita 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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