

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51700 of 2025

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

1. Vilakshan Yadav S/o- Bucchi Yadav Resident Of Village- Bela, Ps- Shambhuganj, Dist- Banka
2. Sunil Yadav @ Sunil Kumar Yadav S/o- Late Buchhi 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

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 15-11-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 110, 352, 351(2), 118(1), 3(5) of the Bharatiya Nyaya Sanhita.

3. As per the FIR, on 05.02.2025, while the informant and his co-villagers were taking the Saraswati idol for immersion, another group from the village allegedly forced their way into the procession, abused them, and initiated a quarrel. It is further alleged that the accused persons, including the petitioners, thereafter followed the informant to his house and



assaulted his nephew Saurav Kumar and Sewak Yadav by means of deadly weapons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits, by taking this Court to the FIR, that the allegation of causing injury is against both the accused persons; as per the injury report, the injury sustained by Sewak Yadav is simple in nature and is attributed to petitioner no. 1, whereas the injury sustained by Saurav Kumar is grievous in nature and is attributed to petitioner no. 2. It is submitted that there was no motive on the part of the petitioners to inflict such injuries, and that the incident occurred in a spur of the moment during the immersion of the Saraswati idol, when the other group had forcefully joined the procession. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. On the other hand, the learned APP for the State has opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, and as the nature of the injury attributed to petitioner no. 1 is simple in nature, let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate/Successor Court in connection with Sambhuganj P.S. Case No.35 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:

(i) One of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

7. However, as far as petitioner no. 2 is concerned, there is a specific allegation against him of having assaulted Saurav Kumar with a spear, causing grievous injury. In view of



this, I am not inclined to grant the privilege of anticipatory bail to petitioner no. 2.

8. The prayer for anticipatory bail on behalf of petitioner no.2 is hereby rejected.

9. Accordingly, this application is partly allowed.

(Ajit Kumar, J)

shikha/-

U		T	
---	--	---	--

