

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52875 of 2025

Arising Out of PS. Case No.-1139 Year-2024 Thana- SAHARSA SADAR District- Saharsa

1. Manoj Yadav @ Manoj Kumar S/o Lakhichandra Kumar @ Lakhichandra Yadav R/o Simraha Tola, Rajbara, ward no. 4, Saharsa Sadar, Distt.- Saharsa
2. Lakhichandra Kumar @ Lakhichandra Yadav S/o Late Dukha Yadav R/o Simraha Tola, Rajbara, ward no. 4, Saharsa Sadar, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 12-11-2025 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Saharsa Sadar P.S. Case No. 1139 of 2024 registered for the alleged offences under Sections 126(2), 115(2), 118(1), 109, 303(2), 352, 351(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, petitioner-Manoj Yadav threatened the informant and on his saying the co-accused, Vijay Yadav, assaulted the informant with *lathi* and rod. The petitioner-Manoj Yadav took away Rs. 30,000/- after entering into the house of the informant. The petitioners also took away



16 kg. black colour ropes valued at Rs. 11,000/-.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The informant and petitioner no. 2 are full brothers and petitioner no. 1 is the nephew of the informant. From the FIR, it is clear that there is no specific over act alleged against the petitioners for making assault upon the informant. The petitioners are said to be merely order givers. The allegation of theft is ornamental and the allegation of assault by means of *lathi*, iron rod and *farsa* is against co-accused Vijay Yadav. The injury report of the victims shows injuries are simple except one caused to Jay Kumar Yadav. Learned counsel further submits that there is dispute over partition of the land between the parties. The petitioner no. 1 is having antecedent of seven cases and petitioner no. 2 is having antecedent of six cases. The petitioners are in custody since 19.05.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioners.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioner no. 1 is stated to be instigator and further



considering the period of custody of the petitioners along with submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 1139 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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