

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50390 of 2025

Arising Out of PS. Case No.-2 Year-2024 Thana- Mufassil District- Khagaria

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1. Dayanand Yadav S/O Jhingal Yadav
 2. Fauji Kumar S/O Dayanand Yadav
- Both are Resident of Village- Morkahi, PS- Muffasil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh, Advocate

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-10-2025 Heard Mr.Rahul Singh, learned counsel for the

petitioners and Mr.Ram Bilash Roy Raman, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Khagaria (Muffasil) P.S.Case No.02/2024,
G.R.No.906/2024, FIR dated 01.04.2024 registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
307, 379, 386 of the Indian Penal Code and Section 27 of the
Arms Act.

3. As per prosecution case, the petitioners and other
co-accused persons demanded rupees three lakhs from the
informant who was constructing his house but on non-payment
of extortion money, they assaulted the informant and his brother



causing injury on the head of the brother of the informant with khanti and rod. Co-accused Sujit Kumar fired upon the informant but the shot missed him.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent. The allegation as alleged in the FIR is false and fabricated and the petitioners and the informant are agnates to each other. Although there is direct and specific allegation against the petitioners in the FIR that they have assaulted to the informant and brother of the informant due to which the informant and brother of the informant have received the injury but the injury report of the informant suggests that the injury is simple in nature. As per injury report of the brother of the informant, namely, Pawan Yadav is concerned that there is allegation in the FIR that two persons have assaulted to the brother of the informant but it appears from the report that he has received only one injury so it is not clear from the FIR and the injury report that who has assaulted to the brother of the informant whether petitioner No.1 or Dinesh Yadav.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the brother of the informant has



received the injury which is grievous in nature.

6. Considering the aforesaid facts, petitioners have clean antecedent and there is no specific allegation of any assault or overt-act attributed against the petitioners in the FIR rather allegation in the FIR that petitioner No.1 and Dinesh Yadav have assaulted to the brother of the informant, 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 learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S.Case No.02/2024, G.R.No.906/2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 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 bonds shall be cancelled by the Court below.

(II) If the petitioners tamper 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 antecedents, 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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