

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53598 of 2025

Arising Out of PS. Case No.-104 Year-2024 Thana- BHEJA District- Madhubani

Hareram Yadav @ Hare Ram Yadav S/o Late Sundar Yadav R/o Village-
Darah Nawtoliya, P.S.- Bheja, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Bheja P.S. Case No. 104 of 2024 registered for the offence punishable under Sections 329(4), 126(2), 115(2), 118, 109, 75, 303(2), 324(4), 352, 351(2) and 3(5) of the Bhartiya Nyaya Sanhita, 2023 to which Section 103 of the Bhartiya Nyaya Sanhita, 2023 was added subsequently.

3. As per the prosecution case, over a dispute relating to agriculture field, it is stated that the nine named accused persons including the petitioner came variously armed. On the orders of Tirpeet Narayan Yadav, it is stated that Sushil Kumar



Yadav and Hareram Yadav (petitioner) caught hold of the informant while Sunil Kumar Yadav gave a blow with a *kudali*. It is further stated that Tirpeet Narayan Yadav and Rambharosh Mahto also assaulted with lathi etc. The injured subsequently died in course of treatment.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. On perusal of the contents of the FIR, it would transpire that except for having been named as a member of the unlawful assembly, no role nor any overt act has been specifically alleged against the petitioner, who is in custody since 05.05.2025 and has one criminal antecedent bearing Bheja P.S. Case No.13 of 2021 under Section 272/273/34 of IPC and 30(a) of Excise Act, in which the petitioner is said to be on bail. It is also stated by learned counsel for the petitioner that one of the co-accused namely, Gauri Shankar Mahto has already been granted regular bail by a coordinate Bench of this Court by order dated 10.06.2025 passed in Cr. Misc. No.35072 of 2025, hence praying for parity to be maintained, learned counsel for the petitioner also prays for grant of bail to the petitioner.

5. On the other hand, learned APP appearing for the State opposes the prayer for regular bail of the petitioner.



6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, no overt act having been alleged against the petitioner, also the petitioner has one criminal antecedent, in which the petitioner is in on bail, further he is in custody since 05.05.2025 and charge sheet having been submitted in the case, further custody of the petitioner would not be required and also taking note of the fact that a co-accused namely, Gauri Shankar Mahto has already been granted regular bail by a coordinate Bench of this Court, the Court is inclined to grant the privilege of bail to the petitioner.

7. The petitioner above named, is directed to be released on bail 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 court below where the case is pending/successor court in connection with Bheja P.S. Case No. 104 of 2024 (S.T. No.93 of 2025), subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.



(iii) In case of absence on two consecutive dates without substantial reason or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. Accordingly, the prayer for bail is allowed.

(Alok Kumar Sinha, J)

Prakash Narayan

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