

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57326 of 2025

Arising Out of PS. Case No.-368 Year-2024 Thana- BELHAR District- Banka

1. Umesh Yadav S/O Subhit Yadav Resident Of Village- Kairajore, P.s.- Belhar, Dist.- Banka
2. Yogendra Yadav @ Jogendra Yadav S/O Bisheshwar Yadav Resident Of Village- Kairajore, P.s.- Belhar, Dist.- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate
	:	Mr. Ravi Prakash Dwivedi, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 17-10-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Belhar P.S. Case No.368 of 2024 in a case registered for the offence punishable under Sections 126(2), 118(1), 109, 103, 352, 351(1), 3(5) of the B.N.S.

3. The allegation in the first information report is that on 27.11.2024, while the informant, Singheswar Kumar along with Karu Yadav were sleeping in their house, one Arun Yadav along with other co-accused persons came variously armed and attacked the informant and Karu Yadav. Umesh Yadav (petitioner no.1) pointed *Musket* towards Karu Yadav



and co-accused, Arun Yadav assaulted him with a sharp cutting axe causing injuries to him and the informant was also being assaulted.

4. Learned counsel for the petitioners has submitted that it would be apparent from the first information report itself that there is specific allegation on co-accused, Arun Yadav of having assaulted the deceased, Karu Yadav and the postmortem report which is part of the case diary also indicates that there is one incised/lacerated wound present on the parieto occipital area while other injuries are on non-vital parts of the body and the cause of death has been opined to be probably by hard and blunt substance. It is specific submission on behalf of the petitioner that the petitioner no.1, Umesh Yadav was alleged to be armed with musket, which seems to be a false allegation as the same was never put to use. So far as petitioner no.2 is concerned, there is general and omnibus allegation in the first information report as against him. It has also been pointed out that with regard to injury suffered by the informant at the hands of petitioner no.1 and others has also resulted in simple injuries, which would appear from the injury report as indicated in para 131 of the case diary. Learned counsel also submits that the petitioners are in custody since



28.02.2025.

5. Learned APP for the State opposed the prayer for bail .

6. Taking into consideration the facts and circumstances of the case and considering that the specific allegation of assault upon the deceased has not been attributed to these petitioners, let the above named petitioners, who have no criminal antecedent, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka/concerned Court below in connection with Belhar P.S. Case No. 368 of 2024 subject to condition that:-,

(i) Till the framing of charge, the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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