

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60719 of 2025

Arising Out of PS. Case No.-1249 Year-2024 Thana- MADHEPURA District- Madhepura

Santosh Yadav son of Late Upendra Yadav R/oVillage- Pithahi (Pitahi) Ward
No. 10 PS.-Madhepura District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Aslam Ansari, APP
For the Informant	:	Mr. Ranjeet Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2025 Learned counsel for the petitioner seeks permission to make necessary correction in paragraph-13 of the petition in course of the day.

02. Permission is accorded.

03. Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel for the informant.

04. In the present case, the petitioner seeks bail in connection with Madhepura P.S. Case No. 1249 of 2024 registered for the alleged offences under Sections 115(2), 126(2), 109, 303(2), 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023 and later on added Section 103(1) of BNS.

05. As per prosecution case, the petitioner and other



co-accused persons by making an unlawful assembly, firstly assaulted the son of the informant and his other family members. The allegation against the petitioner is that he gave *farsa* blow to victim Mala Devi, who subsequently died while undergoing treatment. The assailants also damaged the vehicles of the informant kept in his house.

06. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is case and counter version between the parties and the mother of the petitioner, namely Fuliya Devi @ Fulo Devi, has also lodged a case vide Madhepura P.S. Case No. 1253 of 2024. Learned counsel further submits that the petitioner and the informant are agnates and due to previous enmity and land dispute, he has been falsely implicated in this case. Learned counsel further submits that the wife of the informant died after 26 days and this shows the assault made by the petitioner is not the cause of death of the wife of the informant. Further, the injury report does not corroborate the assault by *farsa* as the injury is lacerated wound. Initially, the injury was found to be simple by the doctor who examined the wife of the informant. The petitioner is in custody since 03.01.2025 and charge-sheet has been submitted. The petitioner



is having antecedent of one case in which he is on bail.

07. Learned APP for the State as well as learned counsel for the informant vehemently oppose the prayer for bail. Learned counsel for the informant submits that the petitioner assaulted the wife of the informant by means of *farsa* and she died during her treatment. Hence, the petitioner does not deserve bail.

08. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of injury attributed to the petitioner and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 1249 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 petitioner.
- (ii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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