

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60919 of 2025

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

Bijay Yadav @ Vijay Kumar S/o Late Upendra Yadav R/o Village- 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, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-09-2025 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in para 15 of the petition.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. Petitioner is apprehending arrest in connection with Madhepura P.S. Case No. 1249 of 2024 registered for the offences punishable under Sections 115(2), 126(2), 109, 303(2), 351(2), 3(5) of B.N.S. to which section 103(1) of the B.N.S. was added later on.

4. As per prosecution case, there is allegation against the petitioner who is said to have assaulted upon the head of Jyotish Kumar (son of the informant) by means of iron rod. When Karan Kumar came to save him, co-accused



Shambhu Yadav and Suraj Yadav assaulted him by means of *lathi* and *fattha*. It is further alleged that wife of the informant was assaulted upon her head by co-accused Ajay Kumar and Santosh Kumar by means of *Khanti* and *Farsa* respectively. Accused persons are also alleged to have assaulted the elder daughter-in-law of the informant and tore her clothes. It is further alleged that accused persons damaged the vehicles standing there, took away gold and silver ornaments worth Rs. 4/5 lakhs and cash of Rs. 50,000/-.

5. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated in this case. Petitioner is not the assailant of the deceased, who is wife of the informant. The alleged occurrence took place on 24.10.2024 and the wife of the informant died on 20.11.2024, as stated in para 15 of the petition. It is submitted that there is no specific over act against the petitioner of assaulting the wife of the informant, rather the specific allegation of assaulting the wife of the informant is against co-accused Ajay Kumar and Santosh Yadav. In the light of the aforesaid, no offence is made out against the petitioner. Learned counsel for the petitioner submits that co-accused namely Fuliya Devi @ Fulo Devi &



Ors. have already been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 20530 of 2025, as contained in Annexure-4. Petitioner has criminal antecedent of one case, which was lodged by the same party, and in that case petitioner is already on bail.

6. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that petitioner cannot escape from the liability of the allegations levelled in the first information report as is said to have assaulted Jyotish Kumar.

6. Considering the facts and circumstances of the case, there is no specific allegation against the petitioner of assaulting informant's wife, co-accused has already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory 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 Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 1249 of 2024, subject to the conditions as laid down under section



482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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