

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61492 of 2025

Arising Out of PS. Case No.-208 Year-2024 Thana- SALAKHUA District- Saharsa

Shyam Yadav S/o Late Dileshwar Yadav R/o Vill- Khajuraha, Ward No. 16,
P.S.- Salkhua, Distt- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Sinha, Adv.
For the Opposite Party/s	:	Mr.Yogendra Kumar, APP
For the Informant	:	Mr. Pramod Mishra, Adv.
		Mrs. Geeta Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 04-09-2025 Heard learned counsel for the petitioner and learned
APP for the State as also learned counsel for the Informant.

2. The petitioner has earlier moved before a Co-ordinate Bench of this Court with a prayer for anticipatory bail which was dismissed as withdrawn vide orders dated 07.03.2025 and 16.05.2025 passed in Cr. Misc. Nos. 9109 of 2025 and 33576 of 2025 respectively.

3. The petitioner seeks bail in connection with Salkhua P.S. Case No. 208 of 2024 instituted for the offences under Sections 126(2), 127(2), 115(2), 118(1), 117(2), 109, 305, 351(2), 352, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

4. As per prosecution case, the accusation against the accused persons including the petitioner is of assaulting the father of the informant by means of *lathi*, *danda* as a result of



which he sustained head injury. It is further alleged that when the informant and his uncle, elder father and brother came to rescue then they were also assaulted by the accused persons including the petitioner.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. There is a case and counter case between the parties. The wife of the petitioner has filed a case bearing Salkhua P.S. Case No. 209 of 2024 for the same occurrence. Both the parties are next door neighbors. He further submits that there is delay of five days in lodging the F.I.R. that too without there being any plausible explanation for the same which creates doubt in the veracity of the prosecution case. In the alleged occurrence, both the parties have sustained injuries. The petitioner has no criminal antecedent and is languishing in judicial custody since 30.06.2025 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that there is specific allegation of assault against the petitioner of assaulting the informant's father.

7. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Salkhua P.S. Case No. 208 of 2024, subject to the following conditions;

- (i) One of the bailor(s) shall be the own/close family members of the petitioner.
- (ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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