

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60720 of 2025

Arising Out of PS. Case No.-114 Year-2025 Thana- NAUHATTA District- Rohtas

Kundan Yadav S/O Vijay Yadav R/O Village- Nimahat, P.S.- Nauhatta , Distt.-
Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Session Trial No. 265 of 2025 arising out of Nauhatta P.S. Case No. 114 of 2025 registered for the alleged offences under Sections 126(2), 115(2), 109(1), 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the petitioner took his buffalo to the pond of informant who forbade him from doing so. Thereafter, the petitioner and other co-accused persons, who were armed with *Gadasha* and iron rod, came and assaulted the informant, causing fracture of his head.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. No occurrence as alleged has ever taken place. The allegation against the petitioner is that he gave a blow of iron rod on the head of the informant, but there is no repetition of blow and for this reason, there is no application of Section 109 BNS in the present case. Moreover, the injury is stated to be incised wound of size 3 ½''x ½''x skin deep. Though the said injury is stated to be grievous in nature but it has nowhere been mentioned that why the injury is said to be grievous. Learned counsel further submits that the petitioner is having clean antecedent. The petitioner is in custody since 02.05.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the absence of injury said to be caused by the petitioner and also considering the period of custody of the petitioner and his clean antecedent 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 Additional Sessions Judge-III, Rohtas at Sasaram in connection with



Session Trial No. 265 of 2025 arising out of Nauhatta P.S. Case No. 114 of 2025, 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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