

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61344 of 2025

Arising Out of PS. Case No.-51 Year-2019 Thana- AKBARNAGAR District- Bhagalpur

1. Pramod Yadav S/o Sakaldeo Yadav, R/o Village - Srirampur, P.S - Akbarnagar, District – Bhagalpur.
2. Jaikaran Yadav S/o Sakaldeo Yadav, R/o Village - Srirampur, P.S - Akbarnagar, District – Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Adv. Mr. Ravi Prakash Dwivedi, Adv. Mr. Raushan Kumar, Adv. Mr. Saurabh Raj, Adv.
For the Opposite Party/s	:	Mr. M.K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-09-2025 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Akbarnagar P.S. Case No.51 of 2019 registered for the offences punishable under Sections 341, 323, 308, 504, 506 and 379/34 of the Indian Penal Code.

3. Accusation against the petitioners is that in course of excavation of soil from a land, both the parties assembled there and claimed share over the land in question leading to heated exchange of talk; whereupon co-accused Sakaldeo Yadav made exhortation to kill the informant, upon which petitioner no.2 assaulted the



informant by means of iron rod due to which he sustained serious injury. It is further alleged that petitioner no.1 also assaulted the brother of the informant, who came to his rescue by means of *khanti* over his head due to which he sustained head injury. There is further allegation against other co-accused persons of causing assault and snatching valuables.

4. Mr. Praveen Kumar, learned Advocate for the petitioners contended that the FIR has been instituted for the offence registered under Section 308 and other allied Sections of the I.P.C. and it is the admitted position, there is no allegation of any repeated blow; moreover, the injuries allegedly sustained to the informant and his brother has knowingly not been disclosed in the impugned order and there is every chance the injuries are simple in nature. Had the injuries are grievous in nature, it would have definitely been disclosed. It is further contended that there is a counter version of the present FIR being Akbar Nagar P.S. Case No.52 of 2019, wherein the petitioners' side also sustained injuries. Taking note of the entire gamut of fact, the petitioners have been given the privilege of 41A of CrPC; however, later on, the learned Court has taken cognizance for the offences as alleged in the FIR on 28.08.2019 but, surprisingly, for the first time, summons were issued against the



petitioners on 19.12.2024 and when the petitioners came to know, they approached before the court concerned for their anticipatory bail.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that it is not in dispute that there is specific allegation against the petitioners of causing serious injury; moreover, the cognizance was taken on 28.08.2019 and since then the petitioners were evading their arrest.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that the petitioners were accorded the privilege of Section 41A CrPC and, for the first time, summons were issued on 19.12.2024, besides simple nature of injury and the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VIII, Bhagalpur in connection with Akbarnagar P.S. Case No.51 of 2019, subject to the condition as laid down under Section 482(2)



of the BNSS, with following further conditions:-

(i) One of the bailors shall be the own/close family members of the petitioners.

(ii) The court below shall verify the statement with regard to the date of issuance of summons as has been disclosed on 19.12.2024.

(Harish Kumar, J)

rohit/-

U		R	
---	--	---	--

