

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64110 of 2025

Arising Out of PS. Case No.-125 Year-2025 Thana- HALSI District- Lakhisarai

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1. Jago Yadav @ Jaggo Yadav S/O Late Chhattar Yadav R/O Vill.- Vajitpur , Ward No.- 12, P.O.- Salaunja, P.S. - Halsi , Dist.- Lakhisarai, Bihar- 811311
 2. Balmiki Yadav S/O Jaggo Yadav @ Jago Yadav R/O Vill.- Bazidpur , Ward No.- 12, P.O.- Salaunja, P.S. - Halsi , Dist.- Lakhisarai, Bihar- 811311

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Gautam Yadav S/O Hira Yadav R/O Vill.- Wazidpur , P.O.- Salaunja, P.S. - Halsi , Dist.- Lakhisarai, Bihar- 811311

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Minakshi Kumari, Adv.
For the State : Mr. Pranav Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 15-09-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 329(4), 74, 76 and 3(5) of the B.N.S., 2023.

3. The allegation in the FIR is that while the informant's wife was all alone in the house, accused Mahesh Yadav entered the house and tried to establish physical relationship with her, whereafter upon alarm raised by the sister-in-law of the informant, other accused persons also assembled who assaulted the wife of the informant.



4. Learned counsel for the petitioners, at the outset, submits that the FIR was lodged after an inordinate and unexplained delay of seven days as the occurrence is said to have taken place on 20.05.2025, whereas the present FIR was lodged on 27.05.2025 after due thought and deliberation. It is further submitted that the main allegation of establishing relationship with the wife of the informant is upon co-accused Mahesh Yadav and subsequently, the allegation has also been made on other accused persons including the present petitioners, out of which petitioner no.1 is a 65 years old man, of having indulged in the act of assaulting. It is next submitted that the petitioners have been made accused in this case only on the ground that they are the father and brother of co-accused Mahesh Yadav and the female members of the family, who have also been made accused in this case, have been granted the privilege of anticipatory bail by the present bail rejection order itself.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail.

6. Taking into consideration the facts and circumstances of the case and also considering that there are general and omnibus allegations of assault upon the petitioners, however, the



main allegation of establishing physical relationship is upon co-accused Mahesh Yadav, coupled with the fact that there is a delay of seven days in lodging the FIR, let the petitioners, above named, who have no criminal antecedent, in the event of their arrest or surrender before the Court below within four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Halsi P.S. Case No. 125 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

(Soni Shrivastava, J)

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