

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70405 of 2025

Arising Out of PS. Case No.-490 Year-2025 Thana- FATEHPUR District- Gaya

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Birendra Yadav @ Virendra Yadav Son of Ram Swarup Yadav @
Ramswaroop Yadav R/o Village - Donaiya (Dumrichatti), P.S.- Fatehpur,
District - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Fatehpur P.S. Case No. 490 of 2025, registered for the offences under Sections 126(2), 115(2), 117(2), 118(1), 109, 302(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution case, the petitioner and other co-accused persons assaulted the husband of the informant with iron rod causing fracture of his head, chin and leg. The informant was also assaulted by the petitioner and co-accused persons.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been



falsely implicated in this case. The only allegation against the petitioner is of causing injury on the head of the husband of the informant and allegation of further assault is against the co-accused person. The true fact of the case is that the informant and the accused persons are next door neighbors and the dispute arose over flow of drainage water. There is no serious injury on the husband of the informant and the injuries are rather swelling, bleeding from mouth, lacerated wound and opinion is reserved till the receipt of the radiological report. Learned counsel further submits that the petitioner is having clean antecedent and is in custody since 04.07.2025. The charge-sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the period of custody, submission of charge-sheet and clean antecedent of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Fatehpur P.S. Case No. 490



of 2025, subject to the condition laid down under Section 480(3)
of the BNSS and other 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, if so required by the learned trial
court.

(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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