

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74984 of 2024

Arising Out of PS. Case No.-684 Year-2023 Thana- BARHARA District- Bhojpur

Pramod Yadav @ Pramod Kumar Yadav Son of Manan Yadav R/O Vill.- Bali
Ke Tola,P.S.- Khawashpur, O.P., Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 505 of 2025

Arising Out of PS. Case No.-684 Year-2023 Thana- BARHARA District- Bhojpur

Omprakash @ Omprakash Yadav @ Bhusi Yadav S/o Late Suresh Yadav R/o
Village- Bali Ke Tola, P.S.- Barhara (Khwaspur O.P.), District- Bhojpur at Ara
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 74984 of 2024)

For the Petitioner/s : Mr.Manoj Kumar Singh, Advocate

For the State : Mr.Mohammed Arif, APP

(In CRIMINAL MISCELLANEOUS No. 505 of 2025)

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

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

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 11-04-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners apprehend their arrest in connection
with Barhara (Khawashpur O.P.) P.S. Case No.684 of 2023
registered for the offences punishable under Sections 147, 341,
323, 504, 307 and 379 of the Indian Penal Code. The petitioners



have no criminal antecedent as stated in paragraph 3 of the application.

3. It would appear from perusal of the First Information Report (in short 'FIR') that while the informant Bijay Yadav was going to his house, he was surrounded by six persons named in the FIR including these two petitioners with allegation that they all had iron rod and dab in their hands and there is specific allegation against Om Prakash Yadav that he assaulted by means of rod on the head of the informant while Chhote Lal Yadav assaulted by means of Lathi and Pramod Yadav assaulted by means of dab on the head of the informant on account of which he fell unconscious.

4. Learned counsel for the petitioners submits that no motive has been indicated in the case as to why the informant was assaulted by the accused persons and secondly the attention of this Court has also been drawn to the fact that a compromise has been reached between the parties and compromise petition has also been annexed to the application as Annexure- P/2, a perusal of which would go to show that a compromise has been reached between the parties and they are living peacefully.

5. Learned APP for the State opposes the application for grant of anticipatory bail on the ground that there is direct



allegation against three accused persons including these two petitioners of having inflicted blows on the head of the informant on account of which he received injuries.

6. On perusal of the injury report, which is part of the case diary, it would appear that three injuries have been found on the head of the informant but all of them are in the nature of lacerated wounds of size 1"x1/2" and 1/2"x1/2". The opinion upon nature of injury was, however, reserved by the doctor upon receipt of the X-ray report. A perusal of paragraph 90 of the case diary would further show that the informant himself has admitted that despite the prescription given by the doctor of getting X-ray and CT Scan done, he did not go to any private or government hospital for getting X-ray or CT Scan done, in the absence of which there is no report with regard to the nature of the injury. Moreover, it would appear from paragraph 7 of the case diary containing the statement of one Kaushal Kumar Yadav that it was actually co-accused Chhote Lal Yadav who had assaulted the informant on his head and there is general allegation that the petitioner Om Prakash Yadav was also involved in the assault and with regard to the petitioner Pramod Yadav, it is said that he was trying to resolve the dispute.

7. Considering the entire facts and circumstances of



the case and also taking into consideration that the informant did not go for X-ray or CT Scan resulting in non-availability of the nature of the injury and also considering the fact that the petitioners neither have any motive nor have the criminal antecedent, I am inclined to grant privilege of anticipatory bail to the petitioners. Let the petitioners above-named, in case of their arrest/surrender within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Barhara (Khawaspur O.P.) P.S. Case No. 684 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further condition that the petitioners shall cooperate in investigation/trial.

(Soni Shrivastava, J)

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