

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73542 of 2025

Arising Out of PS. Case No.-49 Year-2020 Thana- KAHALGAON District- Bhagalpur

1. Arun Kumar Yadav @ Arun Yadav, S/o Bilash Yadav @ Ram Bilash Yadav, R/o Village - Ramnagar Kahalgaon, Ward No. 1, P.S - Kahalgaon, District - Bhagalpur
2. Kumod Yadav, S/o Bilash Yadav @ Ram Bilash Yadav, R/o Village - Ramnagar Kahalgaon, Ward No. 1, P.S - Kahalgaon, District - Bhagalpur
3. Subodh Yadav @ Subodh Kumar @ Terra, S/o Bilash Yadav @ Ram Bilash Yadav, R/o Village - Shiv Kumari Pahad, Ward No. 17, P.S - Kahalgaon, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Sharma, Adv.
For the Opposite Party/s : Mr. Kalyan Shankar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-11-2025 Heard learned Advocate appearing on behalf of the

petitioners and the learned Additional Public Prosecutor for the

State.

2. The petitioners are apprehending their arrest in connection with Kahalgaon P.S. Case No. 49 of 2020, registered for the offences punishable under Sections 341, 323, 324, 307, 504 and 34 of the Indian Penal Code.

3. The allegation against the petitioners is of causing assault to the informant by means of spear and *lathi*, due to which the informant sustained serious injury. It is further alleged



that when the son of the informant and his wife came to the rescue of the informant, they were also assaulted by accused persons.

4. Learned Advocate appearing on behalf of the petitioners submitted that on account of trifle, both the parties have entered into a free fight, resulting into injuries to persons of both the sides. There is a counter version of the present case being Kahalgaon P.S. Case No. 48 of 2020, which is on earlier point of time. The learned jurisdictional Court however taking note of the materials available on record has taken cognizance only under Section 341, 323, 324, 308, 504 and 34 of the Indian Penal Code and on account of the aforesaid reason, the petitioners were given the privilege of Section 41A of the Code of Criminal Procedure. Since earlier the petitioner had approached for grant of anticipatory bail before the learned Sessions Judge and the same was denied, but, later on, the cognizance has been taken barring under Section 307 IPC, the petitioners again preferred anticipatory bail which stood rejected, hence the present application after a delay of four years.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that the petitioners have actively participated in the crime and



assaulted the informant and others.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the factum of case and counter case, coupled with the nature of injury as also the fact that the learned jurisdictional Court has not found any case under Section 307 of the Indian Penal Code, besides the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Class-1, Bhagalpur in connection with Kahalgaon P.S. Case No. 49 of 2020, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

supratim/-

U		T	
---	--	---	--

