

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80193 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- DHORAIYA District- Banka

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Pawan Kumar Yadav @ Pawan Yadav S/o- Panchanand Yadav R/v- Banthi
Ps- Shoraiya Dist- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Balram Kapri, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Dhoraiya P.S. Case No. 31 of 2025 registered for the alleged offences under Sections 126(2), 115(2), 118(1), 109(1), 127(2), 76, 303(2), 351(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, petitioner and other co-accused persons tried to kidnap 10 years old minor son of the informant and when he raised alarm, this informant reached there. Thereafter, co-accused ordered for killing her. This petitioner put the informant down and other co-accused person hit her with *lathi*, rod and butt of country made *katta*. The informant was also assaulted by other co-accused persons with



fists and legs. When the husband of the informant intervened, this petitioner hit him on his head with iron rod, causing its fracture. Other co-accused persons also assaulted the husband of the informant and her brother-in-law.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Though the petitioner is stated to have caused grievous injury to the husband of the informant, his injury report shows fracture of right temporal parietal and *zygomatic* bone. Other injuries are merely swelling over left shoulder and swellings over knee and chick. There is general and omnibus allegation of assault against all the accused persons including the petitioner but there is no injury report of another victim, Kailash Yadav. There is delay of more than 24 hours in lodging the FIR which remains unexplained. Learned counsel further submits that the members of the prosecution side wanted to grab the land of the petitioner and for the same, this false and concocted case has been lodged against the petitioner and his family members. Learned counsel further submits that the parties are agnates and reside adjacent to one another and on account of sudden provocation, some scuffle took place between the parties resulting into injuries on both sides. The police found the reason



behind the occurrence to be an issue of path and the whole family of the petitioner have been made accused in this case. Learned counsel further submits that one Vibhay Yadav, who is brother-in-law of the informant and is a driver of the police vehicle, is instrumental in getting all the cases filed against the petitioner and his family members. The father of the petitioner has filed Criminal Complaint Case No. C-209 of 2025 against the informant and others as the petitioner's side cases are not being entertained by the police. Learned counsel further submits that the petitioner is having antecedent of three cases and he is on bail in all those cases. The petitioner is in custody since 25.07.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Banka/court concerned in connection with Dhoraiya P.S. Case



No. 31 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the 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.
- (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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