

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81314 of 2025

Arising Out of PS. Case No.-4 Year-2025 Thana- SHERGHATI District- Gaya

Jain Yadav @ Surendra Yadav, S/o Late Jatu Yadav, Resident of Mohalla-
Ramna, P.S.- Sherghati, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-12-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Sherghati P.S. Case No. 04 of 2025, registered for the
offences punishable under Sections 126(2), 115(2), 109, 74, 352
and 3(5) of the Bharatiya Nyaya Sanhita.

3. The allegation against the petitioner is of causing
assault to the brother-in-law of the informant by means of *lathi*,
due to which he sustained swelling injury over his hand, besides
the allegation against other co-accused persons of causing
assault and misbehave.

4. Learned Advocate appearing on behalf of the
petitioner submitted that the genesis of the occurrence is



nothing, but previous land dispute which led to a free fight resulting into some unfortunate injuries and institution of case and counter case being Sherghati P.S. Case No. 06 of 2025. So far the allegation against the petitioner is concerned, no injury report has been placed on record. Moreover, even if the allegation is taken to be true, *prima facie* the injury appears to be on non-vital part and there is no repetition of blow. The petitioner is said to have one criminal antecedent and this fact has also been brought on record by way of filing supplementary affidavit. The petitioner undertakes that he will cooperate in the proceeding of the Court and shall not indulge in intimidating the witness and the informant.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application.

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 accusation against the petitioner *qua* the injuries sustained to the injured, let the petitioner above named be released on bail, in the event of his 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 Additional Chief Judicial Magistrate-1st, Sherghati at Gaya in connection with Sherghati P.S. Case No. 04 of 2025, subject to the conditions that in case the petitioner shall be found indulged in intimidating the witness or the informant, they shall be at liberty to file an application for cancellation of his bail and subject to the condition 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)

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