

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3444 of 2025

Arising Out of PS. Case No.-18 Year-2022 Thana- GAMAHARIYA District- Madhepura

1. RAJESH KUMAR S/o Late Hari Nandan Yadav R/o village- Fulkaha, ward no 5, PS- Gamhariya, District- Madhepura
2. Dilip Yadav S/o Late Hari Nandan Yadav R/o village- Fulkaha, ward no 5, PS- Gamhariya, District- Madhepura
3. Dharmendra Yadav S/o Sagar Yadav R/o village- Fulkaha, ward no 5, PS- Gamhariya, District- Madhepura
4. Sagar Yadav S/o Late Khikhar Yadav R/o village- Fulkaha, ward no 5, PS- Gamhariya, District- Madhepura
5. Mitilesh Kumar S/o Sagara Yadav R/o village- Fulkaha, ward no 5, PS- Gamhariya, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Adv.
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 07-03-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Earlier the bail application of petitioner nos. 2, 3 & 5 was dismissed as withdrawn as the charge-sheet was submitted against them in bailable section as stated in supplementary affidavit filed on behalf of the petitioners. After filing of the charge-sheet, the learned Court below took cognizance under Section 307 against petitioner nos. 2, 3 & 5. Hence, they preferred the instant bail application.



3. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 341, 324, 325, 379, 504, 506/34 of the Indian Penal Code. Later on, Section 307 of the Indian Penal Code was added.

4. Allegedly, all the FIR named accused persons including the petitioners are said to have assaulted the informant's side brutally by means of deadly weapons due to which they have sustained several injuries.

5. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. They have falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. Both the parties are agnates and there is admitted land dispute between them. Both sides have filed cases against each other. The injuries sustained by the injured were found simple in nature, which is also evident from Annexure-P/3 (series) to this petition. Learned counsel further submits that petitioners have no criminal antecedent as mentioned in para-3 of this application.

6. Learned APP for the State opposes the prayer for bail.

7. Having regard to the facts and circumstances of the



case, since the injuries sustained by the injured are simple in nature, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Gamahariya P.S. Case No.18 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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