

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5826 of 2025

Arising Out of PS. Case No.-31 Year-2024 Thana- GARHI District- Jamui

Kesho Yadav Son of Uma Yadav Resident of Village- Bojhayat, P.S.- Garhi,
District- Jamui

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Garhi P.S. Case No. 31 of 2024 registered for the offences punishable under Sections 341, 323, 308, 379, 504 and 506/34 of the Indian Penal Code.

3. The allegation against the petitioner is to assault the informant and others causing head and bodily injury by using ‘*Bhujali*’ and also snatched gold chain measuring about ten grams and cash from the possession of the informant. It is further alleged that occurrence is arising out of pipeline related dispute of Nal Jal Yojana which has been laid down by



government of Bihar.

4. Learned counsel appearing on behalf of the petitioner submitted that with similar allegation, the co-accused persons namely, Biro Yadav, Dinesh Yadav @ Nitish Kumar and Urmila Devi @ Sochni Devi were granted anticipatory bail by learned trial court itself and only for the reason that this petitioner had two criminal cases against him, his prayer for anticipatory bail was rejected by the learned trial court, where he is on bail.

5. It is submitted that if merit of the case create otherwise a balance in favour of petitioner, solely on the ground of criminal antecedents, prayer of bail of the petitioner should not be rejected. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648**.

6. While concluding argument, it is submitted that occurrence was basically free-fight and injury as alleged to be caused during the occurrence by the petitioner's side was simple in nature.



7. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

8. In view of the aforesaid factual submissions and by taking note of the fact as allegation *qua* physical assault against the petitioner *prima-facie* appears general and omnibus, where injury as alleged to be caused by the petitioner appears simple in nature, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jamui/concerned court in connection with Garhi P.S. Case No. 31 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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