

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9827 of 2026

Arising Out of PS. Case No.-535 Year-2022 Thana- MADHEPURA District- Madhepura

1. Dilip Yadav @ Dilip Kumar S/O Late Gosai Yadav R/O Madhuvan Ward No. 02, P.S- Madhepura (Bharrahi O.P.), Distt.- Madhepura.
2. Chandan Yadav S/O Mohan Yadav R/O Madhuvan Ward No. 02, P.S- Madhepura (Bharrahi O.P.), Distt.- Madhepura.
3. Sushil Yadav @ Sushil Kumar S/O Bhupendra Yadav R/O Madhuvan Ward No. 02, P.S- Madhepura (Bharrahi O.P.), Distt.- Madhepura.
4. Bechan Yadav @ Bechan Kumar S/O Bhupi Yadav @ Bhupendra Yadav R/O Madhuvan Ward No. 02, P.S- Madhepura (Bharrahi O.P.), Distt.- Madhepura.
5. Dilkhush Kumar S/O Tuntun Yadav R/O Madhuvan Ward No. 02, P.S- Madhepura (Bharrahi O.P.), Distt.- Madhepura.
6. Kameshwar Yadav S/O Late Mitar Yadav R/O Madhuvan Ward No. 02, P.S- Madhepura (Bharrahi O.P.), Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the State : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-02-2026 Heard Mr. Dinesh Prasad Verma, learned counsel
for the petitioner and learned APP representing the State.

2. The petitioners are apprehending their arrest in connection with Madhepura (Bharahi O.P.) P.S. Case No. 535 of 2022 registered for the offence under Sections 341, 323, 325, 324, 307, 379, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act, lodged on 10.06.2022 by the



informant, Thakur Prasad Yadav.

3. As per the prosecution story, the informant alleged that the accused persons were installing the Handpump and upon opposition Jaynarayan Yadav directed his son Sunil that lets ensure that the Shraddh of the informant's father also concides with the Shraddh of his father. This followed Sunil Yadav giving 'Dabia' blow on the head while Kundan Yadav gave 'Khanti' blow on the head but it hit the right hand causing fracture.

4. When his younger brother, Amrendra Yadav came to the rescue, the allegation is that Dilip Yadav gave 'Khanti' blow on the head which hit are fractured the left hand. Jaynarayan Yadav gave 'Kudali' blow on the back and the thighs while Mohan Yadav and Chandan Yadav assaulted Dhiro Yadav.

5. When Rekha Devi, his wife came to rescue, Harinandan Kumar gave 'Khanti' blow while Shobha Devi was assaulted by Bechan Yadav causing injury on her thighs. When his two sons came to rescue, the allegation is that Kameshwar Yadav, Tuntun Yadav and Dilkhush Kumar beside Sunil Yadav assaulted them. They also take cash amount and the ornaments. This followed the F.I.R..



6. Learned counsel for the petitioner submits that though the injuries inflicted by Dilip Yadav to Amrendra Yadav and Bechan Yadav to Shobha Devi have been found to be grievous in nature, the injuries inflicted by others have been found to be simple in nature. Further, save and except Dilip Yadav, petitioner no.1, others do not have criminal antecedents. They were protected under section 41(1) of the Cr.P.C. till the cognizance was taken on 17.07.2025.

7. Learned APP opposes the prayer submitting that a perusal of the comprehensive F.I.R. would show that the entire family members have been thrashed by the accused persons.

8. Considering the submissions put forward by the parties as also the allegation that has come against Dilip Yadav @ Dilip Kumar, petitioner no.1 and Bechan Yadav @ Bechan Kumar, petitioner no.4, the injuries inflicted by them have been found to be grievous in nature, in that background, their anticipatory bail application stands rejected.

9. So far as the petitioner no . 2, 3, 5 and 6 namely Chandan Yadav, Sushil Yadav @ Sushil Kumar, Dilkhush Kumar and Kameshwar Yadav respectively are concerned, though they have been named in the F.I.R., the injury inflicted by them have been found to be simple in nature, they do not



have criminal antecedent, earlier they have got relief under section 41(1) of the Cr.P.C., an undertaking has been given that they shall be diligently appearing in trial, shall not in any way come near to the informant and/or the witnesses in the present case, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

10. Let the petitioner no . 2, 3, 5 and 6 namely Chandan Yadav, Sushil Yadav @ Sushil Kumar, Dilkhush Kumar and Kameshwar Yadav be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Madhepura (Bharahi O.P.) P.S. Case No. 535 of 2022 subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner no . 2, 3, 5 and 6 namely Chandan Yadav, Sushil Yadav @ Sushil Kumar, Dilkhush Kumar and Kameshwar Yadav who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) to show his/her bona fide;



(ii) the petitioner no . 2, 3, 5 and 6 namely Chandan Yadav, Sushil Yadav @ Sushil Kumar, Dilkhush Kumar and Kameshwar Yadav shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioner no . 2, 3, 5 and 6 namely Chandan Yadav, Sushil Yadav @ Sushil Kumar, Dilkhush Kumar and Kameshwar Yadav shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iv) the petitioner no . 2, 3, 5 and 6 namely Chandan Yadav, Sushil Yadav @ Sushil Kumar, Dilkhush Kumar and Kameshwar Yadav shall appear before the concerned police station every month for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(v) the petitioner no . 2, 3, 5 and 6 namely Chandan Yadav, Sushil Yadav @ Sushil Kumar, Dilkhush Kumar and Kameshwar Yadav shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation



of the bail bonds;

(vi) the petitioner no . 2, 3, 5 and 6 namely Chandan Yadav, Sushil Yadav @ Sushil Kumar, Dilkhush Kumar and Kameshwar Yadav shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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