

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9568 of 2026

Arising Out of PS. Case No.-238 Year-2025 Thana- HARLAKHI District- Madhubani

1. Raushan Kumar Yadav Son of Vijay Yadav Resident of Village- Umgaow, P.S.- Harlakhi, District- Madhubani
2. Abhash Yadav Son of Anand Yadav Resident of Village- Umgaow, P.S.- Harlakhi, District- Madhubani
3. Nandan Yadav @ Abhinandan Yadav Son of Hari Narayan Yadav Resident of Village- Umgaow, P.S.- Harlakhi, District- Madhubani
4. Pritam Kumar @ Pritam Kumar Mandal Son of Dinesh Mandal Resident of Village- Umgaow, P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

Mr. Rajesh Kumar, Advocate

Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-02-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Harlakhi P.S. Case No. 238 of 2025 dated 20.08.2025 registered for the offences punishable under Sections 191(1), 190, 126(2), 115(2), 109, 303(2), 352, 351(2),



324(4) and 329(3) of the B.N.S.

3. As per prosecution case, on 20.08.2025 at about 12:00 hours the informant was returning to his house carrying Rs. 1,20,000/- from the bank and when he reached near the house of Dinesh Thakur, the petitioners and others surrounded him, abused and assaulted him with intention to kill by means of lathi, iron rod and hockey sticks. It is alleged that petitioner no. 1 Raushan Kumar Yadav caught hold of the informant by his neck, thrashed him and started pressing his neck, while the other accused persons assaulted him indiscriminately. It is further alleged that petitioner no.2 and other assaulted the informant on his head by means of hockey stick with intention to kill as a result of which he sustained head injury. It is also alleged that during the occurrence, petitioner nos. 3 and 4 along with others snatched Rs. 1,20,000/- and a silver chain from the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the F.I.R. and they have falsely been implicated in this case due to village politics and previous enmity. He further submits that though there is allegation against seven F.I.R. named persons and the contents of the F.I.R. disclose that 5-6 unknown persons were also engaged in assaulting and abusing



the informant, thus in total 12-13 persons are alleged to have assaulted him, but only two injuries were sustained by the informant and the injury report of the informant reflects that Injury No. 1 is whole body pain and Injury No. 2 is swelling in the parietal region of the head and all the injuries are simple in nature. He further submits that the allegations as made in the F.I.R. are completely falsified by the injury report annexed as Annexure-2 to the bail petition. It has been specifically submitted that the very prosecution story as narrated in the F.I.R. describes the incident in three different phases. In the first phase, seven named persons along with 5-6 unknown persons are alleged to have surrounded and assaulted the informant. In the second phase, specific allegation has been made against petitioner no. 1, who is alleged to have caught hold of the informant by his neck, thrashed him and started pressing his neck. In the third phase, allegation has been made against petitioner no. 2 and others that they assaulted the informant on his head by means of hockey stick, and lastly, petitioner nos. 3 and 4 along with others are alleged to have taken away Rs. 1,20,000/- and a silver chain weighing four *bhars*. It is submitted that the detailed narration in the prosecution story is merely an exaggeration of facts and does not tally with the



injury report. In this way, the allegations made against the petitioners have no consonance with the injury report and the petitioners have been falsely implicated in the present case without any corroboration from the medical evidence. Learned counsel orally submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence. Petitioner nos. 1 and 2 bear no criminal antecedent whereas petitioner petitioner nos. 3 and 4 bear one criminal antecedent each in which they are already on bail. In the light of the aforesaid facts and circumstances of the case, no offence as alleged in the FIR is made out against the petitioners.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners by submitting that the petitioners are F.I.R. named accused persons and hence, they cannot escape from the allegation made in the F.I.R.

6. Considering the facts and circumstances of the case, the injury being simple in nature, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees



ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Madhubani in connection with Harlakhi P.S. Case No. 238 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

8. However, it is made clear that if the investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioners despite giving assurance to this Court are not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

9. It is clarified that any observation made by this court while considering the bail application of the petitioners shall have no bearing over the merits of the case.

(Alok Kumar Pandey, J)

Nilmani/-

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