IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21703 of 2026

CNR No. BRHC010296912026

Arising Out of PS. Case No.-119 Year-2024 Thana- MANSI District- Khagaria

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Balkishore Yadav Son of Saho Sah @ Saho Yadav Resident Of Village - Matihani Ps- Mansi, Dist- Khagaria

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajesh Kumar Singh, Sr. Advocate
Mr. Manish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP
For the Informant : Mr. Rajesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 06-11-2026 Heard Mr. Rajesh Kumar Singh, learned Senior Counsel for the petitioner, Rajesh Kumar representing the informant and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioner is in custody in connection with Mansi P.S. Case No. 119 of 2024 for the offences punishable under Sections 341, 323, 354, 307, 379, 504/34 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added lodged on 04.05.2024 by the informant, Shivani Kumari.

3. As per the prosecution story, the informant the daughter of the deceased alleged that without any provocation,

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the accused persons assembled and brutally assaulted her father. The further allegation is that on the order of this petitioner Bhim Yadav and Shyam Yadav gave *lathi* blow on the head of the father and as he fell down this petitioner assaulted on the scrotum. The further allegation is of taking away of Rs. 25,000/-. They were shifted to the Sadar Hospital, Khagaria where the informant got eighteen stitches while the father was shifted to Begusarai which followed the FIR. It later transpires that the father of the informant died during the course of treatment.

4. Learned Senior Counsel for the petitioner submits that contrary to the allegation made in the FIR, during the examination/cross-examination, the witnesses have not made any allegation so far as the role of the petitioner on assaulting on the scrotum is concerned. The submission is that even the postmortem report has not recorded any injury in this regard. He has remained in custody since 20.12.2024, has no criminal antecedent and undertakes that if granted relief, he shall be diligently appearing in trial and in no circumstance and without plausible reason shall absent to delay the trial. Failure to do so, in case relief is granted, the state shall be free to take immediate steps for the cancellation of bail bond.

5. Learned counsel for the informant has appeared and

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submits that the trial is at the advance stage, only Investigating Officer is to be examined. Further, the informant, Shivani Kumari is concerned she has supported the prosecution story.

7. Learned APP also opposes the prayer for bail submitting that allegation is there against the petitioner.

8. Having heard the parties, allegation is there, this court would not like to comment on the merit of the case, it has already recorded the postmortem report report as also the examination/cross-examination of witnesses specially P.W.-4.

9. At the stage, learned Senior Counsel for the petitioner submits that though the informant has supported, the other witnesses are silent about it and the postmortem report also do not support the said theory so far as the petitioner is concerned.

10. Taking into account the submission of the parties as also that the petitioner has remained in custody since 20.12.2024, having no criminal antecedent, an undertaking has been given that he shall be diligently appearing in trial, the same has been recorded with the rider that if he fails to abide by the undertaking, (the trial Court shall see to it that his bail bond is immediately canceled), in that background, this Court is inclined to extend him the privilege of bail with conditions.

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11. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II, Khagaria in connection with Mansi P.S. Case No. 119 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 bail bond by the Trial Court itself;

(iii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iv) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the petitioner shall in no way try to induce or

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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 shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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