

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25478 of 2026

Arising Out of PS. Case No.-283 Year-2025 Thana- BARARI District- Katihar

1. Mallik Yadav @ Shubham @ Shubham Yadav S/o- Tulsi Yadav @ Tulsi Yade R/v- Rounia, Ward no 3, PS- Barari, Distt- Katihar
2. Bittu Yadav S/o- Tulsi Yadav R/v- Rounia, Ward no 3, PS- Barari, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-04-2026 Heard Mr. Sanjeev Kumar Singh, learned counsel
for the petitioners as well as Mr. Manoj Kumar, learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since
11.09.2025 in connection with Barari P.S. Case No. 283/2025,
F.I.R. dated 04.09.2025 for the offences punishable under
Sections 126(2), 115(2), 117(2), 118(1), 74, 352, 351(2) read
with Section 3(5) of the Bharatiya Nyay Sanhita, 2023 later on
Section 109 and 103(2) were added.

3. According to prosecution case, the petitioners along
with others being armed with weapon assaulted the father-in-
law of the informant. On the instigation of the co-accused, Tulsi



Yadav, the co-accused persons, namely, Suman Yadav, Pradip Yadav and Dilip Yadav assaulted Sibbu Yadav. When Suresh Yadav came to rescue, the co-accused, Suman Yadav, Suresh Yadav and Pradip Yadav assaulted him with spade.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. Learned counsel for the petitioner submits that although the petitioners are named in the FIR but there is no specific allegation of assault against the petitioners. The specific allegation of assault against Shibbu Yadav and Suresh Yadav is attributed against the co-accused persons, namely, Tulsi Yadav, Suman Yadav, Pradip Yadav and Dilip Yadav. The co-accused person, namely, Naina Devi @ Sunaina Devi has been granted bail by the Co-ordinate Bench of this Court vide order dated 07.04.2026 passed in Criminal Miscellaneous No. 22921 of 2026. He further submits that the police after investigation submitted the charge sheet against the petitioners and the petitioners are in custody since 11.09.2025.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries one criminal antecedent.

6. Considering the aforesaid facts and circumstances,



there is no specific allegation against the petitioners and the co-accused person has been granted bail by the Co-ordinate Bench of this Court, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of C.J.M., Katihar in connection with Barari P.S. Case No. 283/2025, subject to the following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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