

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24340 of 2026

Arising Out of PS. Case No.-27 Year-2026 Thana- KADWA District- Katihar

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Sushil Yadav S/o- Mahavir Yadav Resident of Village- Kumhari PS- Kadwa,
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Balkrishna Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Kadwa P.S. Case No. 27 of 2026 registered for the offences under Sections 191(2), 191(3), 126(2), 115(2), 118(1), 109, 303 of B.N.S.

3. As per prosecution case, the brother of the informant went to the house of the petitioner for recovery of some loan amount but he was sent back by the family members of the petitioner saying that the petitioner was not in the house. Subsequently, the brother of the informant was called on pretext of making payment of installment of Rs.5,000/-. When the brother of the informant reached there, he was assaulted by the



petitioner and 10 to 15 persons with rod, fists etc. causing injury on his head and brother of the informant became unconscious and Rs.5,200/- was also snatched from the brother of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation against the petitioner and other co-accused persons is general and omnibus and there is no specific allegation of assault against the petitioner. Though there is allegation that brother of the informant was attacked on his head by iron rod but the injury report does not show any fracture on his head and the injury was stated to be simple. Learned counsel further submits that other injuries received by the brother of the informant are also simple and superficial. However, the petitioner has no concern with the alleged occurrence and he has been named in this case with ulterior motive. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of injury and further considering the clean antecedent of



the petitioner and possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar/concerned court in connection with Kadwa P.S. Case No. 27 of 2026, subject to the condition as laid down under Section 482(2) of the B.N.S.S. and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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