

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28623 of 2026

Arising Out of PS. Case No.-107 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. Dharmendra Yadav @ Dharmendra Kumar son of Ganauri Yadav Resident of village- Kishunpura, ps- Magadh, Medical, Dist-Gaya Ji
 2. Surendra yadav @ Tunnu @ Surendra Kumar son of Kauleshwar yadav Resident of village- Kishunpura, ps- Magadh, Medical, Dist-Gaya Ji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP
Ms. Pratyaksha, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-07-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State and learned counsel appearing on behalf of the informant, Ms. Pratyaksha.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 447, 325, 379, 34 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent. It is next submitted that petitioners had earlier moved this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 25751 of 2024 and the same came to be disposed of in terms of order



dated 13.02.2024 in Criminal Miscellaneous No. 3536 of 2024 (Naushad Ansari Vs State of Bihar) since the offences for which the instant FIR was instituted carries punishment of seven years and less. It is submitted that petitioners in terms of the order dated 06.05.2024 in Criminal Miscellaneous No. 25751 of 2024 represented before the concerned authority and they were given notice under Section 41(A) of the Cr.P.C. It is next submitted that petitioners cooperated in the investigation and the police never felt the need of arresting the petitioners. It is also submitted that from perusal of the allegations as alleged in the FIR, it would manifest that no specific allegation of assault is alleged against the petitioners. It is next submitted that during the course of investigation, the Investigating Officer of the case filed an application before the learned Trial Court for adding Section 307 of the IPC and the said application was allowed by an order dated 16.02.2026 and Section 307 of the IPC was added, as such, petitioners apprehend their arrest. It is further submitted that the case is still under investigation. It is reiterated and submitted that petitioners are persons with clean antecedent and there is no allegation of assault against them and are not criminals.

4. The learned A.P.P. for the State and the learned



counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioners but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that initially when the FIR was instituted, the same was instituted with respect to offences which carries punishment of seven years and less, but during the course of investigation, Section 307 of the IPC was added but then the petitioners are not alleged to have assaulted the injured and are not criminals.

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Magadh Medical P.S. Case No. 107 of 2023, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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