

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28765 of 2026

Arising Out of PS. Case No.-7 Year-2026 Thana- AMARPUR District- Banka

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1. Tetar Yadav S/o Late Ganesh Yadav @ Ganeshi Yadav Resident of Village- Chhattar, Police Station- Fullidumar, Distt.- Banka
 2. Durgesh Rai @ Durgesh Ray S/o Late Chaprasi Rai @ Chaprasi Yadav Resident of Village- Chhattar, Police Station- Fullidumar, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek Raj, Advocate
For the State : Dr. Mrityunjaya Kr. Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-04-2026 Heard Mr. Vivek Raj, learned counsel for the petitioners and Dr. Mrityunjaya Kr. Gautam, learned APP for the State.

2. Petitioners seek bail, who are in custody since 12.01.2026, in connection with Amarpur (Fullidumar) P.S. Case No. 07 of 2026, F.I.R. dated 03.01.2026 registered for the offences punishable under Sections 126(2), 115(2), 117(2), 109(1), 352, 351(2), 3(5) of the B.N.S.

3. Allegation against the petitioners is that they along with other co-accused persons assaulted the informant and his family members with lathi, danda and iron rod, due to which they sustained injury.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedents and they have been falsely implicated in the present case. It appears from the F.I.R. that although the petitioners are named in the F.I.R. and there is specific allegation against the petitioner no. 1 that he has assaulted to one Shankar Roy and Shankar Roy has received injury but the injury report suggests that the injury is simple in nature caused by hard and blunt substance and there is no specific allegation of any assault or overt act attributed against petitioner no. 2 rather there is general and omnibus allegation against all the accused persons including the petitioner no. 2. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 12.01.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedents and the injury inflicted upon the injured person is simple in nature, let the petitioners, above named, be released on 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 Chief Judicial Magistrate, Banka in connection with Amarpur (Fullidumar) P.S. Case No. 07 of 2026, subject to the following



conditions :-

(1) 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, the court below shall take step for cancellation of bail bond 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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