

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38225 of 2026

Arising Out of PS. Case No.-131 Year-2023 Thana- DURGAWATI District- Kaimur (Bhabua)

1. Santosh Kumar @ Santosh Kumar Yadav @ Santosh Singh Yadav Son of Jagnarayan Singh Yadav R/o Village - Madhopur, P.S.- Durgawati, District- Kaimur at Bhabhua.
2. Umesh Kumar Yadav @ Umesh Singh Yadav @ Umesh Son of Jagnarayan Singh Yadav R/o Village - Madhopur, P.S.- Durgawati, District- Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-07-2026 Heard Learned Counsel for the petitioners and

Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of regular bail to the petitioner who is in custody in connection with Durgawati P.S. Case No. 131 of 2023, lodged on 07/05/2023, under Sections 448, 323, and 307 of IPC, pending in the Court of Judicial Magistrate, 1st Class, Mohania, Kaimur at Bhabua.

3. As per the prosecution, the daughter of the injured



has lodged the FIR on 07/05/2023 about occurrence took place on 01/05/2023 while her mother was sleeping at the night alone, some unknown persons have assaulted to her mother, due to which she sustained deep injury on her head, due to which she was admitted to Varanasi in Trauma Centre.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that petitioners and informant are agnates and dispute was going on between the parties due to which they have been made accused not by the informant but by the injured. Counsel submits that from the FIR, allegation has been made on 01/05/2023 and FIR has been lodged on 07/05/2023 whereas injured has stated on 15/09/2023 for the first time about the occurrence. Counsel submits that in Paragraph-33 of the case diary, it is due to this reason this Court has been pleased to call case diary. Counsel submits that the criminal antecedent of the petitioners are clean. Counsel further submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them. Counsel submits that they have surrendered upon getting this information on 10/02/202.

5. Learned APP for the State opposes the prayer for



bail of the petitioner and submits that the injury has been caused and this statement has been narrated by the injured herself that both persons are involved in causing injury. Counsel submits that she has alleged that petitioner No.2 has pressed her mouth and petitioner No.1 has assaulted by *garasa* repeatedly on her head due to which the injury has been caused. Counsel submits that Paragraphs-33, 64, 65 and 66 states about the injury and the opinion about the injury. Counsel submits that the injury is lacerated with clear margin of 5" X 3" x 1.5" caused by sharp cutting weapon and the injury is grievous in nature.

6. In the light of the facts and circumstances of this case, let petitioner No.2, above named, be released on bail on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of learned Judicial Magistrate-Ist Class, Mohania, Kaimur at Bhabua, in connection with Durgawati P.S. Case No. 131 of 2023, subject to the conditions as laid down U/s 480(3) of the BNSS, 2023.

7. So far as petitioner No.1 is concerned, considering the direct allegation of assault with *garasa* against petitioner No.1, named above, this Court is not inclined to grant bail to



the petitioner No.1. Hence, the prayer for bail of petitioner
No.1 is hereby refused.

(Dr. Anshuman, J)

Mkr./Anshuman/

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