

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40423 of 2026

Arising Out of PS. Case No.-245 Year-2025 Thana- ARER District- Madhubani

Lalit Kumar Yadav Son of Musahar Yadav Resident of Village- Parkauli, P.S.-
Arer, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-07-2026 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Arer P.S. Case No.245 of 2025 registered for the offences punishable under Sections 115(2), 118(1), 117(2), 109 and 3(5) of the BNS.

3. The allegation against the petitioner is of causing assault over the head of the informant leading to grievous injury, besides there is further allegation against other accused persons of assaulting and intimidating the informant.

4. Learned Advocate for the petitioner submitted that a bare reading of the FIR would reveal that the alleged occurrence took place at about 5:30 a.m. on 09.12.2025, and the injured was taken to Arer Police Station, from where she was



referred to the hospital. Surprisingly, however, no information regarding the alleged occurrence was furnished to the jurisdictional police station either on the date when she was brought to the police station or immediately thereafter. The present FIR came to be instituted only on 24.12.2025, after an unexplained delay of fifteen days. Referring to the aforesaid facts, learned Advocate for the petitioner contended that no such injury was sustained to the informant on the alleged date of occurrence. The informant subsequently sustained injuries on account of some other incident and, taking advantage of earlier dispute between the parties, falsely implicated the petitioner by lodging the present FIR. It is further argued that the delay in instituting the FIR remains wholly unexplained. The admitted land dispute between the parties indicates prior enmity, which provides a plausible motive for the false implication of the petitioner, who is the karta of the family. Moreover, the petitioner bears fair antecedent and undertakes to cooperate with the proceedings of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the prayer for bail and submitted that the injury report clearly discloses a grievous injury on a vital part of the body, which fully corroborates the allegation that the petitioner assaulted the informant on her head with an iron axe.



6. Having considered the rival submissions and taking note of the inordinate and unexplained delay in lodging the FIR, besides the question requires consideration as to why neither an FIR nor any complaint was lodged on the date when the injured was taken to the police station or immediately thereafter and the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Benipatti, Madhubani in connection with Arer P.S. Case No.245 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further following conditions:

(i) One of the bailors shall be the own/close family members of the petitioner.

(ii) If the petitioner is found involve in intimidating/ threatening the witnesses or the informant or would indulge in such activities in future, the informant/State shall be at liberty to file appropriate application for cancellation of his bail bond(s).

(Harish Kumar, J)

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