

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42763 of 2026

Arising Out of PS. Case No.-313 Year-2018 Thana- BANKA District- Banka

1. Rohan Yadav, son of Lalji Yadav
2. Sikendra Yadav @ Sikandar Yadav, Son of Rohan Yadav
Both are resident of Village-Mothdih, P.S.- Chandan, Dist- Banka
3. Takeshwar yadav @ Takesar Yadav, Son of Late Ram Sahi Yadav
4. Bhim Yadav, son of Takeshwar Yadav @ Takesar Yadav
Petitioner nos. 3 and 4 are resident of Village- Sihon, P.S. and Dist- Banka

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR

and apprehending their arrest in connection with Banka P.S.

Case No.313 of 2018 registered under Sections 341, 323,

307, 337, 379, 385, 504 and 506 read with 34 of the

Indian Penal Code.

3. Allegation against petitioners is to assault the

informant and others during the course of occurrence,

causing head and bodily injuries.

4. It is submitted by learned counsel appearing for



petitioners that initially the FIR was lodged for the offence under Section 307 of the IPC. It is pointed out that the petitioners were given privilege of Section 41-A of the Code of Criminal Procedure (in short 'CrPC') during the investigation. After completion of investigation, the police submitted charge-sheet under Section 308 of the IPC against the accused/petitioners, whereafter summon was issued by the court but, same was not served upon petitioners and, thereafter, the petitioners came to know about the court proceedings only after the issuance of non-bailable warrant. It is submitted that the nature of injuries and manner of assault are collectively sufficient to gather that the act of petitioners were not of such nature, which may cause death of the informant/injured persons. All petitioners are men of clean antecedent.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as petitioners were given privilege of Section 41-A of the CrPC during investigation, which was not misused, coupled with the fact that the nature of injuries



prima facie failed to suggest that the act of petitioners was of such nature, which may likely to cause death of the informant/injured persons, accordingly, all above-named four petitioners, in the event of their arrest or surrender in the court below within a period of four weeks, are directed to 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 the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No.313 of 2018, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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