

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70822 of 2025

Arising Out of PS. Case No.-319 Year-2025 Thana- GRIYAK District- Nalanda

1. Akhilesh Yadav @ Akhilesh Kumar Son of Shyamdeo Yadav R/o Vill - Jivlal Bigha, P.S - Giriyak, Dist - Nalanda.
2. Sandeep Kumar Son of Babulal Yadav R/o Vill - Jivlal Bigha, P.S - Giriyak, Dist - Nalanda.
3. Pappu Yadav Son of Sidheshwar Yadav R/o Vill - Jivlal Bigha, P.S - Giriyak, Dist - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Adv.
For the State	:	Mr. Sanjay Kumar Tiwary, APP
For the Informant	:	Mr. Umesh Kumar Yadav, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 11-02-2026 Heard learned Advocate for the petitioners, learned Advocate for the State and the learned Advocate for the informant.

2. The petitioners apprehend their arrest in connection with Giriyak P.S. Case No.319 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 117(2), 109 and 3(5) of the BNS, 2023.

3. Allegedly, on 09.7.2025, while the informant along with his father was returning from Giriyak market, in the meantime, they were caught hold by the petitioners. The accused persons tied the informant with a tree and thereupon the



petitioners and others brutally assaulted the informant's father by means of lathi, danda and khanti due to which his legs were broken. The injured was initially taken to a local hospital and subsequently referred to another hospital, where he remained under treatment.

4. Learned counsel for the petitioners submitted that although the alleged occurrence took place on 09.07.2025, the FIR was instituted only on 17.07.2025. The delay of eight days in lodging the FIR has not been satisfactorily explained, except for the bald assertion that the informant's father was undergoing treatment. The prosecution case further falls to the ground for the simple reason that in the FIR it is stated that the informant was also tied with a tree and assaulted by the petitioners, but surprisingly there is no injury report on the record which suggests the informant was also assaulted. The reason behind the false implication is said to be a previous enmity.

5. On the other hand, learned Advocate for the State and the informant vehemently opposed the bail application and submitted that because of the assault being made by the petitioners, the father of the informant has sustained grievous injury, and so far as the delay is concerned, it is stated that the informant had taken his father to different places for treatment



and though this fact had been brought to the knowledge of the concerned police station, the FIR has been instituted belatedly. Learned Advocate for the informant also submitted that still the informant and his family members are facing threat at the hands of the petitioners.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the delay in lodging of the FIR, besides the materials available on record which suggest there is no injury report of the informant, apart from the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Biharsharif, Nalanda in connection with Giriyak P.S. Case No.319 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 petitioners.

(ii) If the petitioners are 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 their bail bond(s).

(Harish Kumar, J)

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