

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72607 of 2025

Arising Out of PS. Case No.-85 Year-2010 Thana- BITHAN District- Samastipur

Dilip Yadav S/O Late Mahendra Yadav R/V- Chanichra, P.S- Bithan, Distt.-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 10-02-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code.

3. Allegation in the FIR is that the petitioner along
with other accused persons are said to have brutally assaulted
the brother of the informant due to which he died.

4. Learned counsel for the petitioner submits that in
the present case after investigation the police has submitted final
form in favour of the petitioner, however, the learned Magistrate
took cognizance differing with the said final form. So far as few
other accused persons are concerned, charge-sheet was
submitted against them under Section 304 of the IPC. Further,
the victim was a veteran criminal who had resorted to firing



upon public and in retaliation, the public had assaulted them and Bithan P.S. Case No. 84 of 2010 was also lodged in this regard. It is further submitted that other co-accused persons against whom charge-sheet was submitted after investigation have been granted anticipatory bail vide an order dated 01.11.2012 passed by a Bench of this High Court in Cr. Misc. No. 17564 of 2012 and the case of the petitioner stands on a better footing.

5. Learned APP for the State has opposed the application for bail.

6. Taking into consideration the facts and circumstances and also considering that fact that the investigating agency had found the petitioner innocent and also considering that other co-accused have already been granted anticipatory bail coupled with the fact that charges have already been framed in this case, let the above named petitioner, who has no criminal antecedent, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bithan P.S. Case No. 85 of 2010, subject to the conditions that the petitioner shall appear on each and every date till conclusion of trial and if the petitioner does not appear



on two consecutive dates without any substantial and
satisfactory reason, the learned court below would be at liberty
to cancel his bail bonds.

(Soni Shrivastava, J)

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