IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80018 of 2026

CNR No. BRHC011090372026

Arising Out of PS. Case No.-24 Year-2026 Thana- Darhar District- Saharsa

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Dash Gourav Yadav @ Desh Gourav Yadav S/o Pankaj Yadav R/o Village - Partaha, Ward No. 12, P.S - Darhar, District - Saharsa

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

02. In the present case, the petitioner seeks bail in connection with S.T. Case No. 306 of 2026 arising out of Darhar P.S. Case No. 24 of 2026 registered for the alleged offences under Sections 191(2), 191(3), 126(2), 115(2), 117(2), 118(1), 109, 103, 352, 351(2) (3) of the Bharatiya Nyaya Sanhita, 2023.

03. As per the prosecution case, in the background of earlier dispute, petitioner and 16 other co-accused persons came to the doors of the informant and started hurling abuses. When the uncle of the informant intervened asking the reason for hurling abuses, co-accused Dhiraj Yadav hit him on his head with an iron rod, causing its fracture. When the informant and

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his brother went for his rescue, co-accused Santosh Yadav and Vidyanandan Yadav assaulted the brother of the informant with *lathi* causing fracture of his head. This petitioner gave a spade blow to the left thigh of the informant. Co-accused Gajendra Yadav again started assaulting the uncle of the informant and he became unconscious and fell down. Thereafter, he was further assaulted with *lathi* and stones. The uncle of the informant died while undergoing treatment.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Only allegation against the petitioner is that he assaulted the informant with spade causing injury at his left thigh but no such injury report has been brought on record. There is no allegation against the petitioner for causing any injury to the uncle of the informant, for which, allegation is specific against co-accused Dhiraj Yadav and Gajendra Yadav. The allegation of further assault is against altogether 17 persons, which is not believable as allegations are completely general and omnibus. Learned counsel further submits that the postmortem report shows bleeding from nose and mouth and presence of blood stained on right ear and only a laceration of size 1.5”x 1” was found on the parietal region of skull, which falsifies the

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allegation of assault by petitioner and a number of other co-accused persons. Moreover, the cause of death was due to injury to vital organ, i.e., brain due to impact with hard and heavy object. For causing this injury the allegation is against co-accused Dhiraj Yadav and Gajendra Yadav. The petitioner is having clean antecedent and is in custody since 01.04.2026. Charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the non-specific nature of allegation against the petitioner and absence of injury on the informant and also considering no allegation of inflicting any injury on the deceased by the petitioner and also considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Principal District & Sessions Judge, Saharsa/court concerned in connection with Darhar P.S. Case No. 24 of 2026 (S.T. No. 306 of 2026), subject to the conditions

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mentioned in Section 480(3) of BNSS and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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