IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78395 of 2026

CNR No. BRHC011129582026

Arising Out of PS. Case No.-52 Year-2026 Thana- Tilakeshwar District- Darbhanga

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Jibachch Yadav @ Jibachh Yadav @ Jivachch Yadav Son of Jhatahu Yadav @ Jhhatahu Yadav Resident of Village- Kasimpur, P.S.- Tilkeshwar, District- Darbhanga

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Manish Kumar No 13, Adv.
For the Opposite Party/s : Mr. Mohammad Sufyan, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

2 04-11-2026 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Tilkeshwar P.S. Case No. 52 of 2026, registered for the offences punishable under Sections 126(2), 127(2), 115(2), 117(2), 109(1), 303(2), 352, 351(2) and 3(5) of the BNS.

3. Allegedly, on 24.03.2026 at about 07:00 A.M, the petitioner along with other co-accused persons having armed with weapons, came to the house of informant and after abusing, started to assault him with bamboo sticks with an intention to kill him. It is further alleged that the petitioner along with co-accused Saurabh Kumar pointing a country-made pistol at the

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temporal region, threatened to kill him if he refuses to compromise the earlier case (Case No. 139/17) lodged for the murder of his son. It is also the case of the prosecution that on the same night, the petitioner along with other co-accused persons, forcibly having entered the informant's house, looted Rs. 50,000/- in cash and gold ornaments weighing approximately 20 grams, valued at Rs. 2,50,000/-

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. He has further submitted that there is no specific allegation against the petitioner, except that he along with the co-accused, Saurabh Kumar pointed a pistol at the head of the informant. Referring to Annexure-P/2 series, which contains the injury reports of the members of the prosecution party, learned counsel has submitted that the injuries sustained by them were on non-vital parts of their bodies which were found to be simple in nature. It has further been submitted that the occurrence took place in the heat of the moment on account of a land dispute and the earlier case. Learned counsel has also submitted that four criminal cases are pending against the petitioner. The petitioner has been in judicial custody since 02.04.2026. Lastly, learned counsel for the petitioner has

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undertaken that the petitioner shall cooperate with the trial and shall not indulge in the commission of any offence in future.

5. On the other hand, learned APP for the State has though opposed the prayer for bail but fairly conceded that there is no specific allegation of assault against the petitioner.

6. Taking into consideration the entire facts and circumstances of the case, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class/concerned Court, Biraul, Darbhanga in connection with Tilkeshwar P.S. Case No. 52 of 2026, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall

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verify the criminal antecedent of the petitioner and if he is found involved in any case other than the four cases as mentioned in paragraph no. 3 of the main bail petition, his bail bond will not be accepted. The cases mentioned in paragraph no. 3 of the main bail petition are as follows:-

(a) Kusheshwar Asthan P.S. Case No. 151 of 2004.

(b) Kusheshwar Asthan P.S. Case No. 137 of 2017.

(c) Kusheshwar Asthan P.S. Case No. 139 of 2017.

(d) Kusheshwar Asthan P.S. Case No. 79 of 2024.

(v) It is also made clear that there shall be no delay beyond a period of ten days in verifying the criminal antecedents of the petitioner.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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