

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87315 of 2025

Arising Out of PS. Case No.-150 Year-2025 Thana- MALI District- Aurangabad

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1. Arun Yadav S/o Ram Prasad Yadav
 2. Binod Yadav S/o Ram Prasad Yadav
- Both are Resident of Village- Parmeshwari, P.S- Mali, District- Aurangabad Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2026 After some arguments, learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner No.1, namely, Arun Yadav with liberty to the petitioner to surrender before the learned court below within a period of four weeks from today and seek regular bail.

2. Permission is accorded.

3. The application is dismissed as withdrawn with respect to petitioner No.1, namely, Arun Yadav with the liberty that the petitioner surrenders and seeks regular bail before the learned court below, the same shall be considered on the same day on its own merit in accordance with law and without being prejudiced by any observation in the present order.



4. Heard Mr.Ranjit Kumar, learned counsel for the petitioner No.2, namely, Binod Yadav and Mr.Ashok Kumar Singh, learned Additional Public Prosecutor for the State.

5. Petitioner No. 2, namely, Binod Yadav is apprehending his arrest in connection with Mali P.S. Case No.150 of 2025, dated 01.08.2025 registered for the offences punishable under Sections 126(2), 191(2), 191(3), 190, 115(2), 118(1), 118(2), 109, 74, 303(2), 352, 351(2), 351(3) of BNS, 2023.

6. Allegation against the petitioner is that he assaulted to one Kamlesh Yadav by means of sword.

7. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. There is case and counter case. Although there is specific allegation against the petitioner in the FIR that he assaulted to one Kamlesh Yadav by means of sword and he has received the injury but the injury report of Kamlesh Yadav suggests that the injury is simple in nature.

8. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the



said case, as mentioned in para-3 of the bail petition.

9. Considering the aforesaid facts, injury inflicted upon the injured person is simple in nature and there is case and counter case, let petitioner No. 2, namely, Binod Yadav, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Mali P.S. Case No.150 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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