

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85561 of 2025

Arising Out of PS. Case No.-78 Year-2024 Thana- GAMAHARIYA District- Madhepura

Laltun Yadav S/o- Late Jitu Yadav R/v- Jogbani Ps- Gamhariya Dist-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Pramod Mishra, Advocate
For the State	:	Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

3 19-03-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Gamhariya P.S. Case No.78 of 2024 for the offences punishable
under Sections 302 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
allegation against the petitioner and five other persons is of
assaulting the informant's nephew, namely, Kundan Kumar by
Lathi and *Danda* due to which he sustained grievous injuries
and later on, during course of treatment, he died. It is further
submitted that the FIR was lodged after a delay of around 11
days and no explanation has been given by the informant for
delay in lodging the FIR. It is submitted that out of the total six
named accused persons, nothing was found against four of the



accused persons and they have not been sent up for trial, while chargesheet has been submitted against the petitioner and one of his brothers, namely, Shambhu Yadav. It is also submitted that there is general and omnibus allegation against all the accused persons and no specific allegation has been levelled against the present petitioner of assaulting the deceased. It is further submitted that the deceased after treatment returned home and subsequently he died. It has further been submitted that co-accused, Shambhu Yadav has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 21.01.2026, passed in Criminal Miscellaneous No.56436 of 2025.

4. On the other hand, the learned APP for the State has opposed the prayer for bail of the petitioner.

5. Considering the submissions advanced on behalf of the parties and also considering the materials available on record, it appears that no specific allegation has been levelled against the petitioner of assaulting the deceased, nephew of the informant. Further, there is no criminal antecedent against the petitioner and he is languishing in jail since 03.09.2025.

6. Accordingly, the petitioner, above-named, is directed to be released 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 Judicial Magistrate, 1st Class, Madhepura/concerned court in connection with Gamhariya P.S. Case No.78 of 2024, subject to the condition that the learned 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 criminal antecedent, the learned court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of the bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

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