

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90691 of 2025

Arising Out of PS. Case No.-344 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

Lalu Yadav son of Murahu Yadav Resident of Village -Sandhi , P.s.-
Mohania , District -Kaimur At Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Daughter of Y Resident of Village - Sondhi, Po- Sondhi, Ps- Mohania,
Dist- Kaimur at Bhabua

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-02-2026 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 325, 354B, 504 and 506 of the Indian Penal Code
and Section 27 of Arms Act and Section 8 and 12 of POCSO
Act.

3. Learned counsel for the petitioner at the outset
submits that inadvertently at Para-1, it has been pleaded
Mohania P.S. Case No.344/2025, when it ought to be Mohania
P.S. Case No.344/2024, thus seeks permission to rectify the



same.

4. Permission is accorded.

5. It is next submitted that petitioner is a person with clean antecedent and the informant alleges that a minor girl of their family member was returning from the hand pump, when the accused persons started teasing her, on protest they tried to forcibly take her away with an intention to commit rape, on alarm, the people assembled, when the accused side assaulted them, further Banarasi Yadav assaulted Chandra Bose Yadav on his head by an iron rod causing injury, thereafter Lal Yadav assaulted Niwas Yadav by lathi causing fracture, accordingly Police were informed and the injured were taken to the hospital.

6. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that no overt act of assault is alleged against the petitioner. It is further submitted that process under Section 82 Cr.P.C. has been obtained by the police against the petitioner but then it is submitted that from perusal of the allegation as alleged in the FIR, it would manifest that apart from the name of the petitioner figuring in the FIR, no overt act is alleged. It is also submitted



that police in mechanical manner files application seeking process under Sections 82 and 83 Cr.P.C. and the learned trial court also in mechanical manner issues the process when petitioner is a person with clean antecedent and is not a criminal. It is further submitted that from side of the petitioner Mohania P.S. Case No.345 of 2024 was instituted against the informant and his side and in the said case Lal Yadav died. It is also submitted that purpose of process under Section 82 Cr.P.C. is to ensure the presence of the accused before the court and not to aid the police in investigation. It is also submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

7. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner but then the learned counsel appearing on behalf of the informant is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that no specific allegation is alleged against the petitioner and the petitioner is not a criminal.

8. Considering the submissions made by the learned counsel for the petitioner and also taking into consideration the fact that petitioner is a person with clean antecedent, the



petitioner above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mohania P.S. Case No.344/2024, subject to the conditions as laid down under Section 482 (2) of the BNSS.

9. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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