

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91375 of 2025

Arising Out of PS. Case No.-134 Year-2025 Thana- LACHHUAR District- Jamui

1. Naresh Yadav S/O Late Garib Yadav Resident of village- Khutkat, P.S.- Lachhuar, District- Jamui.
2. Kamlesh Yadav @ Kamlesh Kumar S/O Naresh Yadav Resident of village- Khutkat, P.S.- Lachhuar, District- Jamui.
3. Piaru Kumar @ Peru Yadav S/O Suresh Yadav Resident of village- Khutkat, P.S.- Lachhuar, District- Jamui.
4. Amlesh Yadav @ Amlesh Kumar S/O Naresh Yadav Resident of village- Khutkat, P.S.- Lachhuar, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikramadit, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioners and Mr. Prem Kumar Jha, learned APP for the State.

2. The petitioners have prayed for bail in connection with Lachhuar P.S. Case No. 134 of 2025 registered for the offence punishable under Sections 126(2), 115(2), 117(2), 109(1), 303(2), 352, 351(2), 3(5) of the B.N.S., 2023.

3. The case of the prosecution is that the petitioner along with others, arrived armed with *lathi-danda*, *Khanti* and *iron rods*. It is further alleged that petitioner no. 1 namely, Naresh Yadav, ordered to kill. Pursuant thereto, Amlesh Yadav (petitioner no. 4) assaulted the informant on the leg with an iron pipe, and



petitioner no. 2, namely, Kamlesh Yadav, assaulted the informant on his hand, as a result of which his hand was fractured. As far as petitioner no. 3 namely, Pairu Kumar @ Peru Yadav is concerned, there is an allegation that he was armed with *lathi* but did not assault anyone.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this case. Learned counsel for the petitioners submits that from a perusal of the order of the learned trial court, it is clear that the learned trial court has recorded that the injuries mentioned in the injury report of Suman Yadav in Case diary para-61 as follows:

- (i) L/W on frontal region size-3"x1/2"x1/2";
- (ii) L/W at right parietal region size 2"x1/4"x1/4";
- (iii) Pain and swelling at right elbow;
- (iv) Bleeding from nose;
- (v) Pain and swelling at left leg;
- (vi) Bruise on the back; and
- (vii) Whole body pain.

All the aforesaid injuries have been opined to be simple in nature.

5. Learned counsel for the petitioners also submits that the injury report of Naresh Prasad discloses the following injuries:



- (i) Lacerated wound on the right wrist size 1.5"x1/4"x1/4",
- (ii) A cut wound at left face 1.5"x1.4"x1/4"
- (iii) Pain and swelling right at wrist,
- (iv) Pain and swelling on left parietal region,
- (v) Bruise on left shoulder,
- (vi) Whole body pain.

It has been opined that injury no. 1 is grievous in nature, while the remaining injuries are simple.

6. Learned counsel for the petitioners further submits that from perusal of the FIR, it is clear that there are specific allegations against the petitioners. There are four petitioners in the present case, and there is no allegation against petitioner no. 3 namely, Pairu Kumar @ Peru Yadav. Petitioner no. 1, namely, Naresh Yadav is alleged to be only an order giver, whereas petitioner no. 2, namely, Kamlesh Yadav is alleged to have assaulted Naresh Yadav, the father-in-law of the informant who has received injury at right wrist and that wound is opined to be grievous in nature.

7. Learned counsel for the petitioner submits that so far as Amlesh Yadav is concerned, it is alleged that he assaulted the informant with a pipe on the leg. From a perusal of the order of the learned trial court, it is clear that save and except injury no. 1 of



Naresh Yadav, all other injuries are simple in nature, and even injury no. 1, though grievous, is bailable in nature. He further submits that a statement has been made in para 3 of the petition that petitioners have no criminal antecedent. Petitioner nos. 1 to 3 namely, Naresh Yadav, Kamlesh Yadav and Pairu Kumar respectively are languishing in judicial custody since 29.10.2025 and petitioner no. 4 namely, Amlesh Yadav is in judicial custody since 31.10.2025.

8. The application for bail is vehemently opposed by the learned counsel for the informant and learned APP for the State.

9. Before parting, it is very disheartening to note that officers in the cadre of ADJ are not able to appreciate the nature of the injuries and they are moved by the sections which are leveled by police. It is not the police who has to decide the sections under which a case will fall. It is the Judicial Officer who has to decide the same after application of mind. In this case, there is only one grievous injury, i.e., on the wrist. Despite the fact that the learned trial court has rejected the bail application, he should introspect about his jurisdiction and the discretion which is provided to him.

10. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The above named



petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Lachhuar P.S. Case No. 134 of 2025 corresponding to Sl. No. 4240 of 2025.

(Ashok Kumar Pandey, J)

Sudhanshu/-

U		T	
---	--	---	--

