

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91946 of 2025

Arising Out of PS. Case No.-133 Year-2025 Thana- BABUBARHI District- Madhubani

1. Bindeshwar Yadav, S/o Late Janak Yadav, Resident of Village- Khoir, PS.- Babubarhi, District- Madhubani
2. Jiwachh Yadav, S/o Late Janak Yadav, Resident of Village- Khoir, PS.- Babubarhi, District- Madhubani
3. Bhola Yadav, S/o Bindeshwar Yadav, Resident of Village- Khoir, PS.- Babubarhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 29-01-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have prayed for bail in connection with Babubarhi P.S. Case No. 133 of 2025 registered for the offence punishable under Sections 329(4), 191(2), 115(2), 126(2), 109, 76, 118(2), 303(2), 352 and 351(2) of B.N.S.

3. The case of the prosecution, in short, is that the petitioners along with others entered in the courtyard of the informant. The allegation against the petitioner no. 1 is that he has ordered and on his order, Bhola Yadav, petitioner no.3 has assaulted with *lathi* to the informant and it is further alleged that Bhola Yadav again assaulted one Urmila Devi. As far as petitioner



no.2 Jiwachh Yadav is concerned, there is no specific allegation against him.

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. From perusal of the injury report of Urmila Devi which is annexed at Annexure-P/2, it is clear that she has not received any injury as the doctor has opined that no sign of injury found on her body and as far as the injuries of informant is concerned, he has received two injuries; first is swelling in left leg knee joint and second is abrasion in right leg. Both the injuries are simple caused by hard and blunt substance. Learned counsel for the petitioner has further submitted that there is also a counter version of this case. Petitioners are languishing in judicial custody since 20.11.2025.

5. The application for bail is opposed by learned APP for the State.

6. 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 J.M. 1st Class, Madhubani in connection with Babubarhi P.S. Case



No. 133 of 2025.

7. Before parting, it is very disheartening to note that even the officers in the cadre of A.D.J. are not able to segregate the allegations against the petitioners and they are blindly following the Sections levelled by police. It is not the work of a Judicial Officer to just follow the police rather he/she should apply his/her own mind while considering the bail as this is related with the fundamental right of the detenue.

(Ashok Kumar Pandey, J)

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