

Court of Additional Sessions Judge XVI, Bhagalpur

Present- Sandeep Singh

Bail Petition No. 267/2026

Arising out of Nathnagar P.S. Case No. 445/2023

U/S- 341, 323, 307, 379, 504, 506/ 34 IPC

Rupesh Yadav

V/s

State

Contd.
06.04.2026

there is specific allegation against petitioner that he along with his father assaulted informant and snatched the money. Re-statement of informant is noted vide para 2 of case diary, in which he has supported the case of prosecution. Statement of witnesses are noted vide para 05, 06 of case diary, who have also supported the case of prosecution to the extent of assault and snatching. Para 22 of case diary reveals petitioner has got clean antecedent. Para 12 of case diary contains injury report of injured person Sarvesh Kumar Yadav which shows nature of injury is reserved. Para 33 of case diary contains supplementary injury report of Sharvesh Kumar Yadav which shows following injuries:- 1. one lacerated wound right parietal region ½" x ¼" x ¼" , one lacerated wound below left eye and nature of injures is simple and caused by hard & blunt object. Investigation is complete and charge-sheet has been submitted U/S 341/323/307/504/506/34 IPC against petitioner and co-accused person. Petitioner has preferred Criminal Miscellaneous before the Hon'ble Court vide Cr. Misc. No.91787 of 2025 but the Hon'ble Court has been pleased to reject the prayer of petitioner on merit taking into account facts, circumstances, nature & gravity of the offence. Earlier this court has also rejected the bail petition of said petitioner bearing ABP No. 2538/2023 vide order dated 01.11.2023.

(7) In considering a bail application the Court must balance the liberty of the individual with the administration of justice. The factors ordinarily considered include the nature and gravity of the accusation, the severity of the punishment, the antecedents of the accused, the possibility of the accused fleeing from justice or tampering with witnesses or evidence, the requirement of custodial interrogation, and whether the investigation is complete. Where the offences are serious and non-bailable there is no bar to granting bail, but the grant must be on appropriate terms and after satisfaction on the above factors.

(8) Now when this Court applies aforesaid settled principle of law governing bail to the facts and materials available on record it transpires that;

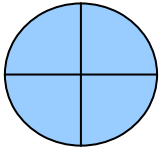
(i) **Nature of allegation:** The allegation against the petitioner is that he, along with co-accused, assaulted the informant on the head by brick and also snatched Rs. 15,000/-. The offence under Section 307 IPC is serious and non-bailable.

(ii) **Material on record:** The petitioner is a named accused. The restatement of the informant and statements of witnesses available in case diary support the prosecution case regarding assault and snatching. There is specific role attributed to the petitioner in causing assault.

(iii) **Medical evidence:** The injury report shows lacerated injuries on head and face caused by hard and blunt object. Though the injuries are simple in nature, the manner of assault alleged cannot be ignored at this stage.

Contd.
06.04.2026

(iv) **Earlier orders and conduct of petitioner:** Earlier anticipatory bail of the



Court of Additional Sessions Judge XVI, Bhagalpur

Present- Sandeep Singh

Bail Petition No. 267/2026

Arising out of Nathnagar P.S. Case No. 445/2023

U/S- 341, 323, 307, 379, 504, 506/ 34 IPC

Rupesh Yadav

V/s

State

Contd.
06.04.2026

petitioner was rejected by this Court with a clear direction to surrender before the learned Court below within the stipulated period and seek regular bail. It appears that the petitioner did not comply with the said direction and did not surrender within the time granted. Thereafter, the Hon'ble High Court has also been pleased to reject the prayer for anticipatory bail considering *the nature of accusation and gravity of offence*. Such conduct of the petitioner does not weigh in his favour.

(v) **Stage of case:** Investigation has been completed and charge-sheet has been submitted. However, the seriousness of the allegation and earlier rejection orders require a cautious approach.

(vi) **Antecedent:** The petitioner has no criminal antecedent. This is in his favour, but it is not sufficient in view of the nature of allegation, earlier rejection orders and his conduct.

(vii) **Defence plea:** The plea of false implication is a matter of trial. It cannot be examined at this stage.

(viii) **Overall assessment:** Considering the nature of accusation, materials available in the case diary, rejection of anticipatory bail by this Court as well as by the Hon'ble High Court, and the conduct of the petitioner in not complying with the direction to surrender, this Court does not find sufficient ground to grant bail at this stage.

(9) Accordingly, the bail petition filed on behalf of accused-petitioner **Rupesh Yadav, son of late Bijo Yadav** is **rejected**.

(10) The observations made herein are only for the purpose of deciding this bail petition and shall not affect the merits of the case during trial.

(11) O.C. is directed to send a copy of this order to the Id. Trial Court at once for information and needful.

(Dictated)

Sd/-

(Sandeep Singh)

D.A.S.J., XVI, Bhagalpur

06.04.2026