

Page No. 1 of 3
Santosh Kumar Pandey, D&ASJ – II, Darbhanga
BP No. 339/2026
(Arising out of Manigachhi P. S. Case No. 35/2026)
Saroj Yadav versus the State of Bihar.
Date of Order – 20.05.2026

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II, DARBHANGA
Bail Petition No. 339/2026

Saroj Yadav s/o Ramakant Yadav, resident of Village - Laho, P.S. - Manigachhi,
District - Darbhanga
Petitioner

versus

State of Bihar
Party

----- Opposite

Appearance(s):

Counsel for the Petitioner(s) : Sri Binod Kumar Singh, Learned Advocate.
Counsel for the State : Sri A. N. Jha, Learned Public Prosecutor.

ORDER
20.05.2026

1. The present application has been preferred on behalf of the petitioner seeking regular bail in connection with Manigachhi P.S. Case No. 35 of 2026, registered for the offences punishable under Sections 115(2), 126(2), 351(2), 352, 109(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as “BNS”). The petitioner is stated to be in judicial custody since **02.04.2026**.
2. The prosecution case, as emerging from the First Information Report, is that on 25.01.2026 at about 08:30 AM, when the Informant had stopped near Jagganath Petrol Pump at a tea stall, the accused persons namely Saroj Yadav (present petitioner), Raman Ji Yadav and Munnu Thakur allegedly arrived there, abused the Informant and thereafter assaulted him by means of dagger causing injuries over his left chest, left hand and left thigh. The Informant was initially taken to PHC, Manigachhi and thereafter referred to DMCH, Darbhanga for better treatment. On the basis of the aforesaid allegations, the present FIR came to be instituted.
3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has been falsely implicated in the present case due to previous enmity between the parties. It has further been submitted that though the petitioner has one criminal antecedent being Manigachhi P.S. Case No. 101/2022, the same by itself cannot be a ground for denial of bail. Learned

Page No. 2 of 3
Santosh Kumar Pandey, D&ASJ – II, Darbhanga
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counsel further contended that the alleged weapon has not been recovered till date and the petitioner has remained in judicial custody since 02.04.2026. It has also been argued that despite sufficient opportunity, the prosecution has failed to place the injury report on record and further detention of the petitioner would serve no useful purpose.

4. Learned Public Prosecutor appearing on behalf of the State opposed the prayer for bail and submitted that the allegations against the petitioner are serious in nature involving assault by dangerous weapon. It has further been submitted that the Investigating Officer had already issued notice under Section 94 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to the Medical Officer concerned for submission of the injury report, however, the same has not yet been received.
5. I have heard learned counsel for the parties at length and carefully perused the materials available on record including the case diary. Upon consideration of the FIR and the materials collected during investigation, it appears that the petitioner has been specifically named in the FIR with allegation of assaulting the Informant along with co-accused persons. However, despite repeated opportunities and even after issuance of notice under Section 94 BNSS by the Investigating Officer, no injury report has been brought on record till date to substantiate the nature and gravity of injuries allegedly sustained by the Informant. It further appears that the present bail petition has remained pending since 13.04.2026 solely for want of injury report. This Court had also issued Letter No. 145 dated 07.05.2026 to the Superintendent, DMCH, Darbhanga seeking submission of the injury report, but the same has yielded no response. The prosecution cannot be permitted to indefinitely delay adjudication of the bail application on account of non-production of medical report. The petitioner is in judicial custody since 02.04.2026. The materials available on record do not indicate that custodial interrogation of the petitioner is still required. There is also nothing on record to suggest that if enlarged on bail, the petitioner is likely to abscond, tamper with evidence or influence

Page No. 3 of 3
Santosh Kumar Pandey, D&ASJ – II, Darbhanga
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Saroj Yadav versus the State of Bihar.
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prosecution witnesses. Though one criminal antecedent has been disclosed against the petitioner, the same alone cannot be treated as an absolute embargo for grant of bail, particularly when the investigation has substantially progressed and no exceptional circumstance requiring continued detention has been demonstrated.

6. It is a settled principle of criminal jurisprudence that bail is the rule and jail is an exception. Pre-trial detention cannot be allowed to assume the character of punitive detention, especially when the trial is likely to take considerable time and the prosecution has not been able to place complete medical evidence on record despite sufficient opportunity. The Court is duty bound to balance the liberty of the accused with the interest of fair investigation and administration of justice.
7. In view of the aforesaid facts and circumstances, considering the absence of injury report, the period of custody already undergone by the petitioner, the stage of investigation and the absence of material suggesting likelihood of misuse of liberty, this Court is of the considered opinion that the petitioner has succeeded in making out a fit case for grant of regular bail.
8. Accordingly, the bail application stands **allowed**.
9. Let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Court concerned, subject to the conditions prescribed under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Santosh Kumar Pandey)
Additional Sessions Judge-II
Darbhanga
20.05.2026

Date of Judgement/order	20.05.2026
Date of reserving judgement/order	20.05.2026
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