

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5960 of 2025

Arising Out of PS. Case No.-101 Year-2024 Thana- GHOSWARI District- Patna

1.

Kunal Yadav Son of Ramfal Yadav village- Tartar, Ps- Ghoswari, Dist- patna
2.

Yogendra Yadav son of Rameshar Yadav village- Tartar, Ps- Ghoswari, Dist- patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-05-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. At the outset, learned counsel appearing for the petitioners submitted that petitioner no. 2 namely, Yogendra Yadav has already been apprehended by police during pendency of the present petition and, therefore, prayer of anticipatory bail of petitioner no. 2 has become infructuous.

3. Accordingly, prayer of anticipatory bail with respect to petitioner no. 2 namely, Yogendra Yadav stands dismissed as withdrawn as it has become infructuous.

4. Now, this petition survives only with respect to petitioner no. 1 namely, Kunal Kumar.

5. The accused-petitioner no. 1, named in the F.I.R., is



apprehending his arrest in connection with Ghoshwari P.S. Case No. 101 of 2024 registered for the offences punishable under Sections 447, 323, 354, 307, 504/34 of the Indian Penal Code and 27 of the Arms Act.

6. The allegation against the petitioner is to open fire along with other co-accused persons while entering into the house of the informant and also started to abuse and assaulted him.

7. Learned counsel appearing on behalf of the petitioner no. 1 submitted that present occurrence took place in the background of land dispute where the allegation, as raised against the petitioner, is very much general and omnibus. It is submitted that having fire-arms in hand, no fire alleged to be made on the informant and others, *prima-facie* negating the intention to cause death. It is submitted that similarly situated co-accused persons namely, Sharawan Yadav, Ashok Yadav, Rajnish Yadav and Suresh Yadav have already granted privilege of anticipatory bail by one of the learned coordinate Bench of this Court in Cr. Misc. No. 4334 of 2025 vide order dated 12.02.2025. It is pointed out that petitioner no. 1 found involved three more cases where he is on bail.

8. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner no. 1.

9. In view of the aforesaid factual submissions and by



taking note of the fact as allegation *qua* opening fire is very much general and omnibus against the petitioner no. 1, where similarly situated co-accused persons have already granted privilege of anticipatory bail by one of the learned coordinate Bench of this Court, as mentioned above, accordingly, above-named petitioner no. 1 namely, Kunal Yadav, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J., Barh, District – Patna, in connection with Ghoshwari P.S. Case No. 101 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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