

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2638 of 2025

Arising Out of PS. Case No.-82 Year-2024 Thana- Banma Itahari District- Saharsa

1. Naresh Yadav S/O Jaynarayan Yadav @ Jagnarayan Yadav R/O Vill.- Murli Borba, P.S.- Banma Ithari, Dist.- Saharsa.
2. Indal Yadav @ Narendra Yadav S/O Jaynarayan Yadav @ Jagnarayan Yadav R/O Vill.- Murli Borba, P.S.- Banma Ithari, Dist.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rashmi Jha, Adv

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 06-02-2025 Heard learned counsel for the petitioners and

Learned APP for the State.

2. The petitioners apprehends their arrest in connection with Banma Ithari P.S. Case No. 82/2024 instituted for the offences punishable under Section 126(2), 115(2), 74, 303(2), 352, 3(5) of the B.N.S. and Section 27 of the Arms Act.

3. As per the prosecution case, F.I.R. has been lodged against five named accused persons including the present petitioners against whom there is an allegation that they have assaulted the informant and fired on the labours.

4. Learned counsel for the petitioners submits that petitioner has falsely been implicated in this case. He further



submits that he has one antecedent. He further submits that petitioners have been named in this case due to ill-motive of the informant and dirty village party politics and due to land dispute. He further submits that all the sections are bailable except 303(2), 74 B.N.S and 27 Arms Act. He next submits that although there is allegation of assault and firing but there is no injury on record to substantiate the allegation made in the FIR.

5. Learned counsel for the State opposes the prayer for bail of the petitioner.

6. From perusal of the F.I.R., impugned order dated 13.11.2024 and case diary, it appears that allegation against the petitioner is only that he has caught the informant hair and tossed it on the ground and nothing else. Moreover, allegation of firing is not specific against the petitioner.

7. Considering all aspects of the matter and the submissions made on behalf of the petitioners, let the above named petitioners be released on bail in the event of his arrest or surrender before the trial Court within a period of six weeks from today on furnishing bail bond of Rs 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Banma Itahri P.S. Case no. 82/2024 subject to



the condition laid down under Section 482(2) of B.N.S.S., 2023.

(Ramesh Chand Malviya, J)

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