

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4742 of 2025

Arising Out of PS. Case No.-109 Year-2023 Thana- BHADAUR District- Patna

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Bhaso Yadav S/o Late Siyasaran Yadav Resident of village -Khajurar, PS-
Bhadaur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Bhadaur P.S. Case No. 109 of 2023 registered for the
offences punishable under Sections 147, 148, 149, 302 of the
Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, on the alleged date and
time of occurrence, all the accused persons including the
petitioner armed with weapons came there. In the meantime,
Saptu Yadav and Kundan Kumar Yadav fired upon the husband
of the Informant due to which he sustained fire-arm injuries and
died.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to dirty village politics. The petitioner is said to be the order giver. He further submits that the F.I.R. was lodged on 22.08.2023 but, the same was sent to the court below on 28.08.2023 i.e. after lapse of six days which creates doubt in the prosecution case. There is no eye-witness to the alleged occurrence. Even the Informant is not the eye-witness. The specific allegation of firing is against the co-accused Saptu Kumar Yadav and Kundan Kumar Yadav. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is a land dispute between the parties. The petitioner has two criminal antecedents in which he is on bail as has been stated in paragraph no.3 of the present anticipatory bail application.

5. Learned counsel for the petitioner further submits that the co-accused Kundan Kumar Yadav @ Kundan Kumar @ Kundan Yadav has already been granted regular bail by this Court vide order dated 09.05.2024 passed in Cr. Misc. No. 20149 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, stating that offence alleged is



serious in nature. The petitioner has two criminal antecedents of the similar nature of offence and, hence, he does not deserve privilege of anticipatory bail.

7. Considering the nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected. If the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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