

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24575 of 2025

Arising Out of PS. Case No.-922 Year-2024 Thana- ARA NAWADA District- Bhojpur

Kamlesh Yadav, S/o Late Ugan Yadav, R/o Village and P.O.- Chandwa, P.S.-
Ara Nawada, District- Bhojpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Vivekanand Singh, Advocate
For the State : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 23-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Ara Nawada P.S. Case No-922 of 2024, dated-18.12.2024, registered for the offences punishable under Sections 109(1), 292, 352 , 351 (2), 3(5) B.N.S. and 27 Arms Act.

3. As per allegation, the petitioner and co-accused Rajnish Yadav as well as 15-20 other persons surrounded the house of the informant having arms and fired 15-20 rounds. It is further alleged that Kamlesh Yadav (Petitioner) asked the informant to compromise the cases, otherwise he would be killed.

4. Learned counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that there is long standing disputes between the petitioner and informant sides, and hence, this false case has been lodged. He also submits that as per the police, CCTV footage does not show the petitioner to be present at the place of occurrence. The persons were having mask on their face. He also submits that there is no specific allegation against the petitioner. The petitioner was neither having arms nor any cogent evidence in support of the allegation of firing against him. The whole case is filed *mala fide* on account of enmity. Moreover, Section 109 B.N.S. does not apply. There is no allegation of injury on any person. In fact, this is a case of firing in air.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph No.3 of the bail petition that the petitioner has been made accused in five other cases, in which, he is on bail.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances,



this petition is allowed, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Ara Nawada P.S. Case No-922 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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