

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26143 of 2025

Arising Out of PS. Case No.-507 Year-2024 Thana- MURLIGANJ District- Madhepura

Raj Kishor Yadav S/o Late Jaleshwar Yadav R/o Village- Tamot Parsa
Devanrahi Ward No. 11, P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-05-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Murliganj P.S. Case No. 507 of 2024, registered for the offences punishable under Sections 191(2), 191(3), 190, 126(2), 115(2), 117(2), 109, 303(2) of the B.N.S. and Section 27 of the Arms Act.

3. Based upon the written report, the prosecution alleges that on the fateful day, all the FIR named accused persons, 14 in numbers, including the petitioner having rifle in their hand reached to the place of occurrence. On the exhortation made by the petitioner and co-accused Sonelal Mahto, Santosh Kumar fired from his rifle, due to which the son of the informant sustained bullet injury over his leg. It is further



alleged that the informant was also assaulted by co-accused Mukesh Yadav and Subhash Yadav. There is further allegation of snatching of valuables.

4. Learned Advocate for the petitioner taking this Court through the FIR has contended that save and except the exhortation made by the petitioner, there is no allegation of any overt act. Moreover, the allegation of firing is levelled against Santosh Kumar, who is not before this Court. It is further contended that on account of a land dispute and political rivalry, both the parties have entered into a fight leading to lodging of the case and counter case bearing Murliganj P.S. Case No. 511 of 2024. It is further contended that the petitioner bears fair antecedent and in fact on account of long standing rivalry, the name of all the family members, including the petitioner, has been implicated in this case. So far the allegation of causing assault to the informant is concerned, she has sustained simple injury and the bullet injury is attributed to Santosh Kumar.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that there is specific allegation that the petitioner was carrying rifle in his hand and it is he, on whose exhortation co-accused has inflicted firearm injury.



6. Regard being had to the submissions made on behalf of the parties and considering the factum of case and counter case, coupled with the fair antecedent of the petitioner and the only allegation of exhortation, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Madhepura in connection with Murliganj P.S. Case No. 507 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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