

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33394 of 2025

Arising Out of PS. Case No.-22 Year-2025 Thana- KHAGARIA District- Khagaria

1. Sakal Dev Yadav @ Sakaldeo Yadav S/o Bhikhar Yadav Village- Jahangira P.S.- Gangaur District-Khagaria
2. Vinod Yadav S/o- Bhikhar Yadav Village- Jahangira P.S.- Gangaur District-Khagaria
3. Rakesh Kumar S/o- Sakaldeo Singh Village- Jahangira P.S.- Gangaur District-Khagaria
4. Bikash Kumar @ Vikash Kumar S/o- Sakaldeo Singh Village- Jahangira P.S.- Gangaur District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 13-08-2025 Heard the parties.

2. At the outset, learned counsel for the petitioners seek permission to withdraw this application with regard to Petitioner No. 3, namely, Rakesh Kumar only.

3. Permission, as prayed for, is accorded.

4. Accordingly, the present application is dismissed as withdrawn with regard to Petitioner No. 3, namely, Rakesh Kumar only.

5. Now the present application survives only for Petitioner Nos. 1, 2 and 4 only.



6. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 109, 303(2), 352 & 3(5) of B.N.S., 2023 and Sections 25(1-B) (i), 26, 27 & 35 of Arms Act.

7. As per the prosecution case, it is alleged that all the F.I.R. named accused persons including the petitioners and some unknown came variously armed and it is alleged that co-accused Chandradev Yadav and Manohar Singh started indiscriminate firing, resulting in the injury to the informant's wife. It is further alleged that co-accused Amit Kumar and Laddu Kumar also fired.

8. The learned counsel for the petitioners submit that petitioners are innocent and they have falsely been implicated on account of some land dispute pending between the co-accused and the informant. It is further submitted that there is no specific allegation of overt act alleged against the petitioners while there is specific allegation of firing upon co-accused Chandradev Yadav and Manohar Singh. It has been submitted that the petitioners are accused in one criminal case which was lodged previously by the wife of the informant. It has lastly been submitted that similarly situated co-accused person has already been granted the benefit of anticipatory bail vide order



dated 23.07.2025, passed in Cr. Misc. No. 30152 of 2025.

9. The learned A.P.P. for the State has vehemently opposed the prayer for bail.

10. Considering the aforesaid submissions, the petitioners, above named, are directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Khagaria P.S. Case No. 22 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the Court



concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

11. Accordingly, the prayer for bail is allowed.

(Sourendra Pandey, J)

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