

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34576 of 2025

Arising Out of PS. Case No.-143 Year-2025 Thana- ARA NAWADA District- Bhojpur

1. Dasrath Yadav @ Dasrath Kumar Yadav S/O Somaru Yadav R/O Mohalla-Chandwa Ara, P.S.- Ara Nawada, District- Bhojpur
2. Ashok Yadav @ Ashok Kumar Yadav S/O Somaru Yadav R/O Mohalla-Chandwa Ara, P.S.- Ara Nawada, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-09-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Ara Nawada P.S. Case No. 143 of 2025 registered for the offences punishable under Sections 109, 292, 351(2), 352, 3(5) of BNS, 2023 and section 25(1-B)A, 26, 27 and 35 of Arms Act.

3. As per prosecution case,informant being police officials instituted fardbeyan on 27.02.2025 alleging that he received information that petitioners and other started firing with intention to create terror in the society. It is further alleged that petitioners and other visited the house of Rajendra Yadav and started firing at the place of occurrence. It is further alleged that person residing in the locality stated that at 18: 00 clock petitioners and other armed with



pistol visited the house of Rajendra Yadav and opened three round firing and after that they went away towards their house. Again co-accused, Dhanu Yadav and others opened two round firing and returned back from the place of occurrence. It is further alleged that on 22.05.2025 petitioner no.1 along with his brother assaulted a person leading to the institution of Ara Nawada P.S. Case No. 139 of 2025 dated 26.02.2025 under Section 126(2), 115(2), 118(1), 352, 351(2) and 3(5) of B.N.S. Act, 2023. It is further alleged that there was battle of supremacy between petitioner no. 1 and Buchul Yadav since December 2024 and they opened firing leading to institution of Ara Nawada P.S. Case No. 922 of 2024. It is further alleged that petitioner no.1 is said to have kept the pistol in his pant and it is also shown in CCTV footage and all the activities of the petitioners were captured in the CCTV footage, which has been preserved in a pen drive. It is further alleged in the prosecution story that there is allegation against petitioners and others who used to create terror in society by opening firing.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. Petitioner No. 1 bears criminal antecedent of thirteen cases whereas petitioner no. 2 bears criminal antecedent of eight cases and in all the cases petitioners are on bail. It has been further submitted that nothing has been recovered from the conscious possession of the petitioners.



5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners and submits that petitioners are named accused and there is specific allegation against them of firing with intention to create terror in the society and from the place of occurrence which is situated near the house of Rajendra Yadav firing materials have also been recovered which is evident from para 2 of the case diary. He further submits that petitioners are having series of criminal antecedent as mentioned in para nos. 62 and 65 of the case diary and they do not deserve bail.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner, arguments advanced on behalf of the parties, keeping in view series of criminal antecedent of the petitioners as submitted, I am not inclined to grant privilege of anticipatory bail to petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is, hereby, rejected.

(Alok Kumar Pandey, J)

vashudha/-

U		T	
---	--	---	--

