

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50862 of 2025

Arising Out of PS. Case No.-369 Year-2024 Thana- MAHISHI District- Saharsa

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1. Dhiraj Yadav @ Dayanand Kumar S/o Bhagwat Yadav R/o Village Baghwa Saharsa, District-Saharsa
 2. Dashrath Kumar @ Dasrath Yadav S/o Bhagwat Yadav R/o Ward No.-7, Baghwa, District-Saharsa
 3. Ramanandan Yadav @ Ramanand Yadav S/o Ramchandrar Yadav R/o Ward no.-7, Baghwa, District-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rasika, Adv.
For the Opposite Party/s : Mr.Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-08-2025 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable in connection with Mahishi P.S. Case No.369 of 2024, under Sections 191(2), 126(2), 115(2), 118(1), 109, 324(6) and 3(5) of the BNS, 2023 read with Section 27 of the Arms Act.

3. As per the prosecution, the FIR has been lodged against 9 named accused persons including the petitioners with allegation that all accused persons duly weaponed with pistol, lathi, danda, etc., and assaulted the informant and his uncle due



to which injury has been caused and death has been caused.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that the allegation made in the FIR and injury of the post-mortem report did not match. He further submits that the deceased died due to assault of other accused person, namely, Permanand Yadav by lathi and not by petitioners.

5. Counsel also submits that both parties are resident of same village and they are well-known to each other. He submits that for the same place of occurrence, there is case and counter-case lodged from both the sides. The informant has lodged case i.e., Mahishi P.S. Case No.369 of 2024 (present case) and the petitioner has lodged case *i.e.*, Mahishi P.S. Case No.376 of 2024.

6. Counsel submits that the criminal antecedent of the petitioners is not clean as there are 3 criminal cases pending against them and they are on bail in all cases. He further submits that against petitioner Nos.1 and 3, there is general and omnibus allegation and against petitioner No.2, there is recovery of arms which has been handed over to the police.

7. Learned APP for the State opposes the prayer for bail of the petitioners and submits that petitioners have no clean



antecedent.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner Nos.1 and 3 namely, Dhiraj Yadav and Ramanandan Yadav, be granted bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of C.J.M., Saharsa in connection with Mahishi P.S. Case No.369 of 2024, subject to the following conditions as laid down under Section 438(2) of Cr.P.C.

9. So far as the petitioner No.2, namely, Dashrath Kumar, is concerned, this Court is not inclined to grant anticipatory bail to the petitioner No.2, therefore the bail application of the petitioner No.2 is hereby rejected.

(Dr. Anshuman, J.)

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