

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46410 of 2025**

Arising Out of PS. Case No.-394 Year-2024 Thana- SAHEBPUR KAMAL District-
Begusarai

Manoj Yadav S/o Radha Yadav R/o Village- Khad Diyara (Khanr Diyara),
P.O.- Vishnupur Ahok, P.S.- Sahebpur Kamal, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar
For the Opposite Party/s : Mr. Damodar Prasad Tiwary
For the State : Mr. Nawal Kishore Pd.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

- 3 17-10-2025 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Sahebpur Kamal Police Station Case No. 394 of 2024,
dated 30.11.2024, disclosing offences under Sections
126(2)/115(2)/118(2)/109(1)/351(1)/351(2)/352/303(2)/3(
5) of the Bhartiya Nyaya Sanhita and Section 27 of the
Arms Act.
3. The prosecution case, as per the First Information Report,
is that on 29.11.2024, at around 11:30 PM, the
informant's husband arrived near his house and saw that
co-accused Radha Yadav was filling soil on her land
which was spilling over the informant's land. When the



informant's husband protested and asked the co-accused Radha Yadav to remove the soil from his land, in the meanwhile, the petitioner and other accused persons started abusing and assaulting him. The wife of the petitioner, namely, Rima Devi, ordered him to kill the informant's husband. Upon which petitioner pulled out pistol from his waist and fired upon the informant's husband causing bullet injury on his cheek and arm.

4. Learned counsel for the petitioner submits that the occurrence has taken place due to land dispute between the parties. He next submits that the petitioner has been made accused in the present case on the basis of false and fabricated story. He further submits that the petitioner is having no criminal antecedent and co-accused Radha Yadav has been granted anticipatory bail by a Co-ordinate Bench of this Court on Cr. Misc. No. 24490 of 2025, dated 06.05.2025.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the petitioner is the main assailant and process under Section 84 and 85 of the Bhartiya Nagrik Suraksha Sanhita, 2023, has already been issued against



him and charge-sheet has also been filed submitted. He further argued that process under Section 84 and 85 of the Bhartiya Nagrik Suraksha Sanhita, 2023, was issued on 31.05.2025, thereafter, the present anticipatory bail has been filed on 05.07.2025.

- 6. Considering the rival submission of the parties, nature of allegation and gravity of offence and the fact that the petitioner is the main assailant, I am not inclined to grant the petitioner privilege of anticipatory bail.
- 7. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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