

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48263 of 2025

Arising Out of PS. Case No.-265 Year-2024 Thana- Kurth District- Arwal

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1. Rakesh Yadav S/O Late Jagdish Yadav R/O Village- Bara, P.S- Kurtha, Distt.- Arwal.
 2. Ram Subhag Yadav S/O Late Jagdish Yadav R/O Village- Bara, P.S- Kurtha, Distt.- Arwal.
 3. Rajesh Yadav S/O Late Jagdish Yadav R/O Village- Bara, P.S- Kurtha, Distt.- Arwal.
 4. Amit Yadav S/O Ramashray Yadav R/O Village- Bara, P.S- Kurtha, Distt.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath, Adv
For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 25-07-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. After some argument learned counsel for the petitioner prays for withdrawal of the anticipatory bail application of petitioner no. 1 namely, Rakesh Yadav in order to surrender within three weeks from today and approach before the learned court below for grant of regular bail which shall be considered on its own merit without being prejudiced by this order.

3. The petition now only survives against petitioner



no. 2, namely, Ram Subhag Yadav, petitioner no. 3 namely, Rajesh Yadav and petitioner no. 4 namely, Amit Yadav.

4. The petitioners apprehend their arrest in a case registered for the offence punishable under sections 191(2), 101(3), 109, 329(4), 352, 351(2), 126(2) of BNS and section 25(1-b)a,26/35 of the Arms Act.

5. The allegation in the FIR, is that all the accused persons named in the FIR had come to the house of informant and were hurling abuses. It is alleged that at around 12 in the night, when the informant saw from his window, the co-accused Manish Kumar fired shot which did not hit him, however, there is further allegation that all the persons were pushing on the door of the informant and hurling abuses.

6. Learned counsel for the petitioner submits that it would be evident from the FIR itself, that as many as 12 persons have been made accused in the present case with general and omnibus allegations of hurling abuses and coming to the house of the informant variously armed. So far as the specific allegation of opening fire is concerned, the same is against one Manish Kumar however, the shot did not hit or hurt anyone in the family. The co-accused Manish Kumar has already been granted regular bail vide order dated 12.05.2025 passed in Cr.



Misc. No. 12121 of 2025 taking into consideration the fact that the matter relates to property dispute. It is also stated that petitioners are the Gotiyas of the informant and partition suit was also filed earlier.

7. The learned APP opposes the prayer for bail on the ground that petitioner nos. 2 and 4 has one criminal antecedent by the same informant in which petitioners are on bail

8. Considering all the above mentioned facts and circumstances, let the above named petitioner nos. 2,3, and 4, in the event of their arrest/ surrender within a period of four weeks from today, the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Kurtha P.S. Case No.265 of 2024, subject to condition as laid down under section 438(2) of the Cr.PC .

(Soni Shrivastava, J)

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