

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49144 of 2025

Arising Out of PS. Case No.-73 Year-2024 Thana- MAIGRA District- Gaya

1. Rajendra Yadav @ Rajendra Kumar Yadav S/O Chanarik Yadav Resident of village- Harni(Tarwadih), PS- Maigra, District- Gaya
2. Kamlesh Yadav S/O Chanarik Yadav Resident of village- Harni(Tarwadih), PS- Maigra, District- Gaya
3. Upendra Yadav S/O Ramjee Yadav Resident of village- Harni(Tarwadih), PS- Maigra, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Mohit Shriwastava, Advocate
For the State	:	Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 19-08-2025 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 126(2), 115(2), 117(2), 109, 74 and 3(5) of the B.N.S. and Section 27 of the Arms Act.

3. The prosecution case, as per the First Information Report, is that on 31.08.2024, in the morning, the brothers-in-law of the informant went to attend nature's call. In the meanwhile, it is alleged that these petitioners, along with other F.I.R. named accused persons, total 33 in numbers, started assaulting the informant's brothers-in-law with *lathi*, iron-rod, etc. When the informant raised alarm, Petitioner Nos. 1 and 3



resorted to firing upon her, but somehow she managed to escape from the place. During the occurrence informant's brothers-in-law, namely Naresh Yadav and Ramrup Yadav, sustained head injury.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. In the F.I.R., altogether 33 persons have been named due to long standing land dispute. The allegations against these petitioners are general and omnibus in nature and no specific accusation of overt act has been alleged against them. It is next submitted that the present case is counter-blast of Magira Police Station Case No. 72 of 2024, which was lodged by the side of the petitioners against the informant and others on 01.09.2024, which is prior in time to the present F.I.R. and in retaliation, only with a view to save their skin from the aforesaid case, this false and concocted case has been lodged. The present FIR has been lodged after a delay of about 03 days on 03.09.2024. It is further submitted that in Maigra P.S. Case No. 72 of 2024, the side of the petitioners sustained serious injuries and one of the named accused, namely, Krishna Yadav, succumbed to death due to assault made by the side of the informant's side. It is lastly submitted that



similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 30.07.2025 passed in Cr. Misc. No. 46435 of 2025. Petitioner No. 3 has got no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that petitioners are named in the F.I.R. with specific accusation that they, along with other F.I.R. named accused persons, assaulted brothers-in-law of informant as a result of which they sustained head injuries. It is further alleged that Petitioner Nos. 1 and 3 are also alleged to have fired upon the informant. It is further submitted that Petitioner No. 1 has got five criminal antecedents and Petitioner No. 2 has got six criminal antecedents and thus, they cannot claim parity with other accused persons who have been granted privilege of anticipatory bail vide order dated 30.07.2025 passed in Cr. Misc. No. 46435 of 2025.

6. Considering the facts and circumstances of the case, specific and direct nature of accusation, criminal antecedents of the petitioners and the fact that petitioners cannot claim parity with other co-accused persons, the prayer for grant



of anticipatory bail to the petitioners is rejected.

(Prabhat Kumar Singh, J)

shashank/-

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

