

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48382 of 2025

Arising Out of PS. Case No.-297 Year-2024 Thana- GORIAKOTHI District- Siwan

Balindra Yadav @ Balindra Kr. Yadav S/o- Hardev Yadav Resident of Village-
Kalyanpur PS- Goreykothi, Dist- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav

For the Opposite Party/s : Mrs. Dr. Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Goreyakothi P.S. Case No. 297/2024 registered for the offences punishable under Sections 109 / 3(5) of the B.N.S. and Section 27 of the Arms Act.

3. As per prosecution case, on 04.12.2024 brother of the informant namely Sri Jang Bahadur Yadav was doing exercise in Dalan. In the meantime, three persons namely Golu Yadav, Balindra Yadav (present petitioner) and one unknown person came on the motorcycle and fired nine rounds upon the elder brother of the informant but any how he saved himself. It is alleged that due to said occurrence his elder brother was in depression and fear.



4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. He further submits that the informant is not an eye-witness of the alleged occurrence. As per version of re-statement of the informant, the story has been narrated to him by his wife as mentioned in para 7 of the case diary. He further submits that the statement of the informant's wife clearly denotes that petitioner was driving the motorcycle and except the petitioner two persons were also on the motorcycle who fired nine rounds. He further submits that there is no specific allegation of firing against the petitioner. In this way, learned counsel for the petitioner submits that, prudently and pragmatically, it cannot be understood as to how the persons survived without sustaining any fire-arm injury despite nine rounds of firing having been made. Thus, on the basis of material available on record, the petitioner is not accused of firing. Hence, no offence is made out against the petitioner in the aforesaid sections. Apart from that the petitioner bears no criminal antecedent and no incriminating article has been recovered from the possession of the petitioner. He further submits that there is land-dispute between the informant and mother-in-law of the petitioner due to which the petitioner has falsely been implicated in this case.



5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner submitted that there is allegation of firing against the petitioner and he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, there is no specific allegation of firing against the petitioner, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Goreyakothi P.S. Case No. 297/2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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