

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50475 of 2025

Arising Out of PS. Case No.-121 Year-2023 Thana- SIKANDRA District- Jamui

Bhushan Yadav, S/o Ramrup Yadav R/o Village- Dharsanda, P.S.- Sikandra,
District- Jamui

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Sanjeev Kumar Mishra, Sr. Advocate Mr. Pramod Kumar, Advocate Ms. Adya Pandey, Advocate
For the Opposite Party/s :	Mr. Syed Mojibur Rahman, A.P.P

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 04-11-2025 Heard Mr. Sanjeev Kumar Mishra, learned Sr.
Advocate with Mr. Pramod Kumar, learned Advocate for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Sikandra P.S. Case No. 121 of 2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323 and 307 of the Indian Penal Code.

3. The prosecution case rests with the allegation that indiscriminate firing has been made by some unknown miscreants leading to injuries to some of the persons.

4. Learned Senior Advocate for the petitioner contended that admittedly, F.I.R. has been instituted against unknown miscreants. However, later on, during the course of investigation when the restatement of the informant was recorded,



the name of the petitioner has been disclosed. The fact of disclosure and false implication of the name of the petitioner is said to be his criminal antecedent as has been disclosed in paragraph No.3 of the bail application. It is contended that criminal antecedent of a person cannot be said to be a decisive factor for grant of bail, if there is no other material to suggest his complicity. Moreover, in the case in hand, injuries sustained to the persons, are found to be simple in nature. He next submits that the learned court below has rejected the prayer for grant of bail of the petitioner only on account of criminal antecedent without looking into other materials available on record. Moreover, petitioner undertakes that he is ready to co-operate in the proceedings.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that a long list of criminal antecedent, nineteen in number clearly suggest that he is habitual offender indulged in such activities.

6. Having considered the submissions advanced by learned Advocate for the respective parties and taking note of the settled position of law that mere criminal antecedent of a person cannot be a sole ground to reject the prayer for



anticipatory bail unless there are some materials which suggest his involvement in the crime. The criminal antecedent of a person can also be a ground for false implication and that cannot be ruled out, even in the present case. Be that as it may, considering the fact that F.I.R. has been instituted against unknown miscreants and later on the name of petitioner has transpired in the restatement without there being any specific allegation. All the injuies are said to be simple in nature. Let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jamui, in connection with Sikandra P.S. Case No. 121 of 2023, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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