

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68154 of 2025

Arising Out of PS. Case No.-173 Year-2025 Thana- KEWATI District- Darbhanga

1. Sarwan Yadav @ Sharwan Yadav S/O Nathuni Yadav Resident of Village- Chatra, Police Station- Keoti, District- Darbhanga
2. Manish Yadav S/O Birendra Yadav Resident of Village- Chatra, Police Station- Keoti, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Adv
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP
Mr. Subodh Kumar Jha, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-09-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State Shri Chandra Bhushan Prasad and the learned counsel appearing on behalf of the informant, Shri Subodh Kumar Jha.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 190, 191(1), 191(2), 191(3), 352, 351(2) and 109 of the Bharatiya Nyaya Sanhita and Section 27 of Arms Act.

3. Learned counsel for the petitioners submits that petitioner No. 1 has antecedent of one case and petitioner No. 2 is a person with clean antecedent and the informant alleges that on 9-7-2025 at 3 PM, the informant was sleeping in his newly



constructed house, when eight accused persons on four motorcycles including the petitioners came and asked about Pappu from the people present there, but when no reply was given, they started firing but informant managed to save himself.

4. The learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that though allegation of firing is alleged but that no specific allegation is alleged against any of the accused persons rather allegation of firing is general and omnibus in nature and no one was injured. It is further submitted that the instant FIR was instituted on 9-7-2025 and when the petitioners came to know about their false implication in the case they approached the learned District Court seeking anticipatory bail by filing ABP No. 1089 of 2025 and the same came to be rejected by an order dated 11-9-2025. It is next submitted that the instant anticipatory bail application thereafter came to be filed before this court on 15-9-2025, while process under Section 82 Cr.P.C was issued on 6-8-2025. It is submitted that it absolutely does not stand to reason that in the nature of allegation as alleged in the FIR why the police was in



a hurry for getting process under Section 82 Cr.P.C issued when the purpose for issuing process under Section 82 Cr.P.C is to ensure the presence of the accused before the Court and not to aid the police in the investigation, it is next submitted that this amply demonstrates that the police is interested more in arresting the petitioners than to investigate. It is also submitted that the moment the petitioners came to know about their false implication they moved before the learned District Court and thereafter before this Court, as such it cannot be said that petitioners were evading the law.

5. The learned APP and learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that the purpose for issuing process under Section 82 Cr.P.C is to ensure the presence of the accused before the court and not to aid the police in the investigation.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-



(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Keoti P.S. Case No. 173 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

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