

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71586 of 2025

Arising Out of PS. Case No.-57 Year-2025 Thana- KASHICHAK District- Nawada

1. Santosh Yadav S/O Ram Pravesh Yadav R/O Vill.- Lila Bigha, P.S.- Kashichak, Dist.- Nawada
2. Chandan Yadav S/O Ram Pravesh Yadav R/O Vill.- Lila Bigha, P.S.- Kashichak, Dist.- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-11-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with Kashichak P.S. Case No. 57 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 352, 351(2), 3(5), 118(2) of the BNS, 2023 and Section 27 of the Arms Act.

3. As per prosecution case, petitioners and other while abusing the informant assaulted him. It is further alleged that petitioner no. 2 fired upon the informant's son as a result of which informant's son sustained injury on the right side of his



chest and he was sent to hospital for treatment.

4. Learned counsel for the petitioners submits that petitioner is quite innocent and has committed no offence as alleged in the FIR. He further submits that there is case and counter case between the parties and hence, free fighting cannot be ruled out. He further submits that there is no specific allegation against petitioner no. 1. the allegation of firing is against petitioner no. 2. Petitioners are in custody since 16.04.2025. Petitioner no. 1 bears criminal antecedent of three cases and petitioner no. 2 bears criminal antecedent of two cases and petitioners are on bail in the said cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner no. 2 by submitting that there is specific allegation of firing against petitioner no. 2 which is supported and corroborated by the injury, as mentioned in impugned order. Hence, petitioner no. 2 does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the



prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the **petitioner no. 1, namely, Santosh Yadav** above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - VI, Nawada in connection with Kashichak P.S. Case No. 57 of 2025, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. So far as, prayer for bail of petitioner no. 2, namely, Chandan Yadav is concerned, there is specific allegation of firing against him and the same is supported and corroborated by the injury, as mentioned in impugned order. Hence, I am not inclined to grant bail to the petitioner no. 2. Accordingly, the



prayer for bail of the petitioner no. 2 is hereby rejected.

(Alok Kumar Pandey, J)

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