

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75615 of 2025

Arising Out of PS. Case No.-142 Year-2025 Thana- BARAHAT District- Banka

Niranjan Yadav S/o Bhagat Yadav @ Sakuni Yadav R/o Village - Badrar,
Punsia, Ward No. 13, P.O - Punsia, P.S - Barahat, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-11-2025 Heard Mr. Sanjay Kumar Jha, learned counsel for the

petitioner and Dr. Mrityunjaya Kr.Gautam, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barahat P.S. Case No. 142 of 2025, F.I.R. dated 16.05.2025 for the offences punishable under Sections 126(2), 115(2), 109(1), 352, 3/5 of the Bhartiya Nyay Sanhita, 2023 and Sections 25(1-b)a, 26, 27 & 35 of Arms Act.

3. As per the First Information Report, the informant alleged that on 15.05.2025, the petitioner along with other co-accused persons came to her house and started abusing and beating her husband and other family members. It is further alleged that one of the accused fired upon the informant's husband due to which he sustained gun-shot injury.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that there is case and counter between the parties and although the petitioner is named in the FIR but from bare perusal of FIR it appears that there is no specific allegation of assault or overt act or firing attributed against this petitioner rather specific allegation is against co-accused person, namely, Munna Ray, who has fired upon the husband of the informant, namely Kanhay Ray and he has received injury on his left shoulder.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, there is no specific allegation of assault or overt act or firing against the petitioner and the petitioner has clean antecedent, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Barahat P.S. Case No. 142 of 2025, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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