

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78603 of 2025

Arising Out of PS. Case No.-28 Year-2025 Thana- BHANAS District- Rohtas

Kanhaiya Yadav S/O Late Jivbaran Yadav R/O Village - Gopalpur, P.S-
Bhanas, Dist.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 27-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Bhanas P.S. Case No. 28 of 2025 registered for the alleged offences under Sections 190, 191(2), 191(3), 192, 126(2), 115(2), 303(2), 109, 352, 351(2) of Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

03. As per prosecution case, the informant heard 20 rounds of firing and from villagers he came to know about her husband being shot at. The informant named the other co-accused persons who were carrying pistol and assaulting her husband. Thereafter, the informant named other co-accused persons including this petitioner for assaulting the husband of the informant with *lathi* when he went for ploughing his field



by tractor in south of the village. The informant further alleged that petitioner and other co-accused persons shot at her husband. The husband of the informant received gunshot injury. Thereafter, the petitioner and other co-accused persons fled away.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no specific allegation of assault or opening fire against the petitioner. There is general, vague and omnibus allegations against the petitioner and others. No time has been mentioned for the occurrence and it creates doubt regarding the incident. Though the informant heard firing of 20 rounds but no seizure list showing recovery of empty cartridges was prepared. In the light of these facts, it is apparent that the prosecution case is completely false and concocted. Further, no firearm injury was found on the husband of the informant and the injury of the husband of the informant is lacerated wound with abrasion on right leg above ankle joint of size 7" x 1/4" which falsifies the allegations against the petitioner and a number of co-accused persons for firing upon the husband of the informant and causing injuries to him. The petitioner is having clean antecedent. The petitioner is in custody since 01.07.2025 and



charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioner and even absence of any firearms injury on the husband of the informant and further considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Bikramganj, Rohtas/court concerned in connection with Bhanas P.S. Case No. 28 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

