

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78902 of 2024

Arising Out of PS. Case No.-134 Year-2024 Thana- MAHESHKHUNT District- Khagaria

Kundan Kumar Yadav Son of Bhadai Yadav Resident of Village- Madarpur
P.s.- Maheshkhoont, Dist.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 81161 of 2024

Arising Out of PS. Case No.-134 Year-2024 Thana- MAHESHKHUNT District- Khagaria

Nitish Kumar Yadav @ Nitish Kumar Son of Bhaday Yadav Resident of
Village - Madarpur, P.S. - Maheshkhunt, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 78902 of 2024)

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv

For the Opposite Party/s : Mr.Yogendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 81161 of 2024)

For the Petitioner/s : Mr.Braj Bhusan Poddar, Adv

For the Opposite Party/s : Mr.Madhuri Lata, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 21-04-2025 Both the applications have been heard together and
are being disposed of by this common order.

2. Heard learned counsel for the petitioners, and the
State.

3. Petitioners apprehend their arrest in connection with
Maheshkhoont P.S.Case No. 134 of 2024 registered for the



offences punishable under Sections 126 (2), 115(2), 303(2), 308(5), 309(3) of the BNSS Act.

4. The first information report discloses an allegation that four persons including the present petitioners, had dragged the informant from tempo and after taking him inside the forest, assaulted him with an intention to kill him and made a video after removing his clothes.

5. Learned counsel for the petitioners submits that although the name of the petitioners appears in the first informant report in a general fashion, the statement of the victim recorded in paragraph-41 of the case diary, would specifically disclose about the video, One other co-accused person namely, Ravi Kumar Yadav , was seen in the video, and it has also been stated that it was Nitish Kumar Yadav, who has got the entire act done and the video was also made viral. It has been submitted on behalf of the petitioner (Kundan Kumar Yadav) that he has only been made an accused in this case on account of the fact that he happens to be brother of co-accused and petitioner Nitish Kumar Yadav and besides the said fact, there is nothing to show the complicity of the petitioner in this case.

6. Learned counsel for the petitioner, Nitish Kumar Yadav has submitted that he has also been falsely implicated



since there was some dispute between the informant and the petitioners, who are all auto drivers.

6. Learned APP for the State opposes the anticipatory bail stating that the names of both the petitioners have been taken in the FIR and subsequently the statement of the informant in Paragraph-41 of the case diary indicates that the name of Nitish Kumar Yadav has been specially taken. It is also stated that petitioner (Kundan Kumar Yadav) has four criminal antecedents out of which in two cases he has been acquitted and in two case he is on bail and petitioner (Nitish Kumar Yadav) has five criminal antecedent, out of which in two cases, he has been acquitted and in three cases he is on bail.

7. Taking into consideration the fact that with regard to petitioner Kundan Kumar Yadav, there is general allegation in the FIR and his name transpired during the course of investigation with no substantial allegations, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioner Kundan Kumar Yadav, shall 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 the learned Judicial Magistrate, Khagaria in



Maheshkhoont P.S.Case No. 134 of 2024, subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

8. So far as, the petitioner Nitish Kumar Yadav is concerned, the statement of the victim recorded in Paragraph-41 of the case diary, disclosed his name as one of the accused person, who was responsible for making the obscene video and also making it viral. This court is not inclined to grant privilege of anticipatory bail to the petitioner and the same stands rejected.

(Soni Shrivastava, J)

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