

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78205 of 2025**

Arising Out of PS. Case No.-29 Year-2025 Thana- KUSHESHWARASTHAN District-
Darbhanga

=====

Arvind Yadav S/o Vishawnath Yadav @ Vishwnath Yadav @ Vishwanath
Yadav Resident of Village- Akonma. Police Station- Kusheshwar Asthan,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 03-12-2025 Heard the learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kusheshwar Asthan (K. Asthan) P.S. Case
No.29 of 2025, F.I.R dated 07.02.2025 registered for the
offences punishable under Sections 191(2), 126(2), 127(2),
115(2), 118(1), 118(1), 117(2), 109, 352, 351(2) and 3(5) of the
Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case is based on the written report
of Bablu Yadav, who alleged that on 05.02.2025 at about 5:00
PM, while he was sitting with his relatives discussing a family
matter, several accused persons, Tirpit Yadav, Baidyanath



Yadav, Indradev Yadav, Rajiv Yadav, Bibhuti Yadav, Pravin Yadav, and Arvind Yadav—arrived armed with various weapons. Tirpit Yadav allegedly attacked Chhote Lal Yadav with a spade, causing injuries requiring treatment at DMCH. Baidyanath Yadav allegedly assaulted Birendra Yadav on the head with a sword, causing serious injuries. Rajiv Yadav allegedly injured Hare Krishna Yadav's left hand with a dabiya. Indradev Yadav allegedly held Chhote Lal while Tirpit ordered to kill him. Bibhuti, Pravin, and Arvind Yadav were reportedly armed with country-made pistols, and Pravin allegedly threatened to shoot the informant if he spoke.

4. Learned counsel for the petitioner submits that the allegation against the petitioner in the F.I.R. is general and omnibus in nature and specific allegations are against one Tirpit Narayan yadav, who is said to have assaulted Chhote Lal Yadav, one Baidyanath Yadav, who is said to have assaulted Birendra Yadav and one Rajiv Yadav, who is said to have assaulted Hare Krishna Yadav. It has next been submitted that the only allegation against this petitioner along with other co-accused persons, is of being in possession of country made pistol and while no assault or overt act has been alleged and the provisions of Arms Act has also not been incorporated in the F.I.R. It has



next been submitted that there is a counter version to the entire story and during the course of idol emersion, the incident is said to have taken place and privilege of anticipatory bail has also been extended to similarly situated persons, namely, Indradev Yadav and Bibhuti Yadav, by the learned Court of Principal District and Sessions Judge, Camp Court, Biraul, Darbhanga.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances that there is case and counter case and only possession of country made pistol is said to have been alleged against the petitioner and provisions of Arms Act has not been incorporated in the F.I.R. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her 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 S.D.J.M., Biraul, Darbhanga, in connection with Kusheshwar Asthan (K. Asthan) P.S. Case No.29 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) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

sharun/-

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

