

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81221 of 2025

Arising Out of PS. Case No.-540 Year-2021 Thana- GOGRI District- Khagaria

Niraj Yadav S/O Ramvilas Yadav R/O Village-Usri, P.S.- Gogari, Distt.-
Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Gogari P.S. Case No. 540 of 2021, G.R. No. 3732 of 2021 registered for the offence punishable under Sections 307, 385, 504, 506, 34 of the IPC and Section 27 of the Arms Act.

3. As per prosecution case, on 18.11.2021 petitioner and others were forcibly ploughing the agricultural field of the informant and when same was protested, petitioner and others made indiscriminate firing upon the informant from country made pistol.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. He further submits that allegation of firing is totally false as nothing was recovered from the place of occurrence as mentioned in para-9 of the bail petition. He further submits that though allegation of firing has been levelled against all the FIR named accused persons but no one has sustained any injury which falsifies the prosecution story. There is no specific allegation against the petitioner rather allegation is general and omnibus in nature. From perusal of the FIR itself, it is clear that there is land dispute between both the parties and in cases of land dispute, facts are generally exaggerated to make the offence graver. Petitioner bears criminal antecedent of two cases in which he is on bail. It has been orally submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that petitioner is FIR named accused and he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the



petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogari P.S. Case No. 540 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that if the investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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