

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85661 of 2025

Arising Out of PS. Case No.-143 Year-2025 Thana- ARA NAWADA District- Bhojpur

Dasrath Yadav S/o Somaru Yadav, R/o vill.- Chandwa Deeh, P.S- Ara
Nawada, Dist.- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Kumar Rajdeep, Advocate Mr. Shivendu Shekhar, Advocate Mr. Saroj Kumar Choudhary, Advocate
For the State	:	Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Ara Nawada P.S. Case No. 143 of 2025 dated 27.02.2025, registered for the offences punishable under Sections 109, 292, 351(2) and 352 read with Section 3(5) of the B.N.S., 2023 and Section 25(1-b)a, 26, 27 and 35 of the Arms Act.

3. As per the prosecution case, petitioner and other co-accused persons went to the house of one Rajendra Yadav and fired thrice from their pistol.

4. Learned counsel appearing on behalf of the petitioner submits that as per allegation in the FIR, this petitioner was carrying a pistol and he gave it to the co-accused



Ashok Kumar Yadav, who is alleged to have left the place armed with the pistol in question. The allegation is completely vague. The alleged recovery of bullet shell or the pellet or live cartridges appears to be planted. The search and seizure has been made without following the due process and no mandatory videography of search and seizure as envisaged under Sections 105 and 185 of the B.N.S.S., 2023 has been done. No independent witnesses joined the search and seizure and there are only official witnesses. The co-accused Ashok Kumar Yadav has been granted bail by this Court *vide* order dated 09.12.2025 passed in Cr. Misc. No. 84264 of 2025. Learned counsel lastly submits that petitioner is in custody since 07.09.2025 and chargesheet has been submitted.

5. Learned A.P.P. appearing on behalf of the State opposes the submission made on behalf of the petitioner and submits that petitioner is having antecedent of 13 cases and petitioner and other co-accused used to terrorize the people of the locality and they do not deserve bail at this stage.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation, grant of bail to the co-accused Ashok Kumar Yadav and lack of substantive material against the



petitioner and also considering his period of custody and submission of chargesheet, the petitioner, above-named, is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur, Ara / concerned Court, in connection with **Ara Nawada P.S. Case No. 143 of 2025**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other 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, if so required by the learned trial Court.

(iii) In case of non-appearance of the petitioner on single date 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)

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