

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1926 of 2026

Arising Out of PS. Case No.-318 Year-2025 Thana- SURYAGARHA District- Lakhisarai

Mahesh Yadav, Son of Rameshwar Yadav, R/o Village - Khalikpur, P.S. -
Surajgarha, Dist. - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 23-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with
Surajgarha P.S. Case No. 318 of 2025 registered for the offences
under Sections 109(1), 191(3) of the Bharatiya Nyaya Sanhita,
2023 and under Section 27 of the Arms Act, 1959.

3. The informant has alleged that he received
information that two warring factions were firing at each other.
On such information, the police reached the place of occurrence
and they were informed by the local villagers that on one side
the petitioner along with others and on the other side Sonu singh
and others were fighting for a disputed plot and they were
making indiscriminate firings against each other.

4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in this case merely because he carries a long list of ten criminal antecedents. It has further been submitted that despite allegations of indiscriminate firing, no empty cartridge was recovered by the police at the place of occurrence. It has next been submitted that the police, only to coerce the petitioner and to put him behind bars, lodged this false and concocted case and no such incident as alleged had occurred. It has also been submitted that the police had not seen the occurrence and only on inputs given by the local people, the FIR has been lodged merely on suspicion. It has lastly been submitted that though the petitioner has 10 criminal antecedents against his name, he has been acquitted in three cases and he is on bail in the other cases.

5. Learned APP for the State has opposed the prayer for anticipatory bail and has stated that the petitioner is a hardened criminal and was involved in firing and therefore, he should not be granted the liberty of anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail



bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Surajgarha P.S. Case No. 318 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative.
- (ii) The petitioner shall remain physically present in Court on each date of the trial.
- (iii) In case of absence on two 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.
- (iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.
- (v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.
- (vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Lakhisarai within fifteen



days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

7. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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