

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1438 of 2026

Arising Out of PS. Case No.-142 Year-2025 Thana- BARAHAT District- Banka

Jitendra Kumar @ Jitendra Yadav S/O Sutar Yadav R/O Village- Mirjapur,
P.S- Barahat, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey

For the Opposite Party/s : Mr. Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-01-2026 Heard Mr. Dhananjay Kumar Pandey, learned counsel
for the petitioner and Mr. Md. Aslam Ansari, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Barahat P.S. Case No. 142 of 2025, F.I.R. dated 16.05.2025 for the offences punishable under Sections 126(2), 115(2), 109(1), 352, 3(5) of the BNS, 2023 and Section 25(1-B) a, 26, 27 and 35 of the Arms Act.

3. According to prosecution case, petitioner and other accused persons came at the house of the informant and started abusing and beating the husband of the informant and other family members. It is further alleged that co-accused Munna Ray fired on the husband of the informant due to which he sustain injury.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. From perusal of F.I.R. it appears that F.I.R. is in two parts; in first part there is general and omnibus allegation against all the accused persons including the petitioner and in second part, allegation of firing is attributed against co-accused Munna Ray that he has fired upon the husband of the informant and he has received the injury. There is no specific allegation against the petitioner in the F.I.R. rather there is general and omnibus allegation against the petitioner. Both the parties are agnates. Petitioner has been made accused in this case only due to being father of the co-accused, namely, Md. Sarfaraz.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, petitioner has clean antecedent, there is no specific allegation of assault or overt act against the petitioner in the F.I.R., specific allegation of firing is attributed against co-accused Munna Ray, let the petitioner, above named, in the event of his 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 Chief Judicial Magistrate, Banka in connection with Barahat P.S. Case No. 142 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the 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.

(Rajesh Kumar Verma, J)

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