

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6409 of 2026

Arising Out of PS. Case No.-507 Year-2023 Thana- PARBATTa District- Khagaria

1. Abhishek Kumar @ Abhishek Yadav Son of Hakim Yadav Resident of Village- Arariya, P.S.- Parabatta, District- Khagaria
2. Bijay Yadav @ Bijali Yadav Son of Nageshwar Prasad Yadav Resident of Village- Arariya, P.S.- Parabatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmatma Singh, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 04-02-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend arrest in connection with Parabatta P.S. Case No. 507 of 2023, registered under Section 414 of the Indian Penal Code, read with Sections 25(1-A), 25(1-AA), 25(1-B)A, 26(i)(ii)(iii)/35 of the Arms Act.

3. The prosecution case, in short, is that there has been recovery of two country made pistols, five live cartridges, 16 bullet and other articles from the house of co-accused Kailu Sharma.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the



present case. Learned counsel for the petitioners also submitted that the petitioners were not present on spot. Name of the petitioners have transpired in this case on the basis of confessional statement made by co-accused person and the same has got no evidentiary value. It is next submitted that petitioner no. 1 has got no criminal antecedent and petitioner no. 2 has got six criminal antecedents. Learned counsel for the petitioners further submitted that other co-accused has been granted regular bail by this Court vide order dated 19.07.2024 passed in Cr. Misc. No. 51052 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners and submitted that co-accused person has confessed the involvement of these petitioners. It is further submitted that petitioner no. 2 bears six criminal antecedents. Hence, petitioner no. 2 does not deserve the privilege of anticipatory bail.

6. Having considered the rival submissions made on behalf of the parties, taking into account the criminal antecedents against petitioner no. 2, this Court is not inclined to grant bail to petitioner no. 2. So far as remaining petitioner, i.e. petitioner no. 1, is concerned, this Court is inclined to grant bail to petitioner no. 1.



7. Accordingly, the prayer for grant of anticipatory bail to petitioner no. 2, namely, Bijay Yadav, is hereby, **rejected**. However, petitioner no. 2 is directed to surrender in the Court below and pray for regular bail. If any such application is filed, the Court below shall consider and dispose of the same on its own merit without prejudiced by this order.

8. So far as petitioner no. 1 is concerned, let the petitioner (**i.e. petitioner no. 1**), above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Parbatta P.S. Case No. 507 of 2023, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

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