

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11842 of 2026

Arising Out of PS. Case No.-116 Year-2025 Thana- SAUR BAZAR District- Saharsa

1. Kailash yadav @ Kailoo yadav son of Nago yadav Resident Of Village- Suhath Ps- Sour Bazar District- Saharsa
2. Priti Devi @ Priti Kumari Wife of Sudhakar yadav @ Sudhakar Kumar Resident Of Village- Suhath Ps- Sour Bazar District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

- 4 06-05-2026 At the outset, learned counsel for the petitioner, Mr. Chandra Mohan Jha prays for and is allowed to withdraw the anticipatory bail application of petitioner no. 1, Kailash Yadav.
2. Accordingly, the anticipatory bail application of petitioner no. 1, Kailash Yadav stands rejected.
3. Heard learned Counsel for the petitioner and learned APP for the State.
4. The petitioner apprehends his arrest in connection with Saur Bazar P.S. Case No. 116 of 2025 for the offence registered under sections 109 3(5) of the BNS and Section 27 of the Arms Act.
5. As per the prosecution story, the informant alleged



that while he was moving with his maternal grandmother (nani), named accused due to land dispute opened fire, which resulted into injury to her. Accordingly, the FIR.

6. As the story unfolds, the investigation reached the doors of these petitioners (petitioner no. 1 is the son-in-law of the injured) and the petitioner no. 2 is the wife of the informant maternal grandson of the injured. As per the Police theory, some land was transferred by the injured lady in the name of the petitioner no. 1, her son in law for which though payment taken from Ajay Yadav, it was never transferred.

7. As pressure was there on him, the petitioner no. 1 conspired and accordingly, as per the independent witnesses, he opened fire and when the lady was injured, raised alarm implicating the named accused persons. Some photographs were also taken by the local villagers and one of the photograph which has been recorded in the case diary shows that the petitioner is armed.

8. Learned Counsel for the petitioner submits that a conspiracy has been created by the accused persons as the lady wanted to transfer her land to the only daughter and the son-in-law (petitioner no. 1) and in continuation of that, the story has been planted.



9. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that a perusal of the case diary shows that how petitioner conspired and while injuring his own mother-in-law, tried to implicate the other innocent.

10. Having heard the parties, main allegation is against Kailash Yadav of conspiring as also opening fire, so far as the petitioner no. 2 is concerned, though presence has been shown during the course of investigation, no role has been attributed to him, his no criminal antecedent, is a lady, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

11. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-III, Saharsa in connection with Saur Bazar P.S. Case No. 116 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official



document (Aadhar Card, PAN Card, Driving License, Voter ID)
to show his *bona fide*;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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