

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14797 of 2026

Arising Out of PS. Case No.-534 Year-2025 Thana- GRIYAK District- Nalanda

1. Jitendra Yadav @ Jito S/o Rupa Yadav @ Roopa Yadav R/O Village - Nichali Bazar Giriyak,P.S - Giriyak, District - Nalanda
2. Ajay Yadav @ Aajo S/o Rupa Yadav @ Roopa Yadav R/O Village - Nichali Bazar Giriyak,P.S - Giriyak, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 17-06-2026 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. At the outset, learned Advocate for the petitioners filed a supplementary affidavit bringing on record the correct position with regard to the criminal antecedent of the petitioners, which is kept on record.

3. The petitioners apprehend their arrest in connection with Giriyak P.S. Case No.534 of 2025 registered for the offences punishable under Sections 189(4), 189(5), 190, 191(3), 109, 111 of the BNS, 2023 and Sections 25(1-b)a, 26, 27 and 35 of the Arms Act.

4. The informant, who happens to be the S.H.O. of



Giriyak Police Station, recorded his self-statement alleging therein that on the date and time of occurrence, the petitioners, along with two named accused persons and 10 to 12 unknown persons, variously armed, had scaled over the house of one Avinash Kumar and indulged in brick-batting as also resorted to firing. Acting upon the said information, the police party raided the place of occurrence. However, on noticing the arrival of the police, about 12 to 14 persons present there managed to flee away. Three persons, however, were apprehended at the spot. Certain incriminating articles, including one live cartridge each, were allegedly recovered from their possession. The local Chowkidar is stated to have identified the petitioners amongst those who succeeded in fleeing from the place of occurrence.

5. Learned Advocate for the petitioner, taking this Court through the FIR, submitted that surprisingly the person upon whose house the petitioners along with other accused persons scaled over and pelted stones, has neither lodged any complaint nor come forward with any allegation against the petitioners. Only on account of the fact that these petitioners are facing criminal antecedents, most of which pertain to offences under the Excise Act, their names have been implicated in the present case without any cogent material. The identification of



the petitioners by the Chowkidar, also appears to be doubtful and *mala fide*. Nothing incriminating has been recovered from the whereabouts of the petitioners. During the course of investigation, save and except the police party, none of the independent witnesses have supported the prosecution case. petitioner no. 1 is stated to be facing eight criminal cases, whereas petitioner no. 2 is stated to be facing ten criminal cases.

6. On the other hand, learned Advocate for the State vehemently opposed the prayer for anticipatory bail and submitted that in view of the criminal antecedents of the petitioners, who are facing eight and ten criminal cases respectively, they do not deserve the privilege of anticipatory bail.

7. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that there is no specific accusation against the petitioners and the person who is really aggrieved, namely Avinash Kumar, his statement has not even been recorded by the police, and mere criminal antecedent of a person cannot be the sole ground to reject anticipatory bail in the absence of any other compelling circumstance brought on record by the prosecution, let the above named petitioners, be released on bail,



in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Giriyak P.S. Case No.534 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further following conditions:

- (i) One of the bailors shall be the own/close family members of the petitioners.
- (ii) In the event any credible and incriminating material is unearthed against the petitioners during further investigation, the police shall be at liberty to seek cancellation of the privilege of bail granted to them by filing an appropriate application before the competent court.

(Harish Kumar, J)

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