

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77217 of 2025

Arising Out of PS. Case No.-277 Year-2024 Thana- ARIYARI District- Sheikhpura

Nepu Yadav S/O Late Uttam Yadav R/O Village- Ariari@ Ariyari, P.S.-
Ariari@ Ariyari, District -Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vijay Anand, Advocate
	:	Mr. Roop Kishan, Advocate
For the State	:	Mr. Harendra Prasad, APP
For the Informant	:	Mr. Prince Kumar Mishra, Advocate
	:	Ms. Priyanka Kumari, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 23-02-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 126(2), 115, 352, 351 and 3(5) of the B.N.S. and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner along with other co-accused persons forcibly entered into the house of the informant armed with rifles and sticks, fired shots with intention to kill, and pelted bricks and stones. It is further alleged that they have threatened to kill the informant's son if the case is not withdrawn.

4. Learned counsel for the petitioner submits that there is a delay of two days in lodging the F.I.R., inasmuch as, the occurrence is said to have taken place 20.12.2024 and the



F.I.R. was lodged on 22.12.2024, for which no explanation has been tendered by the prosecution. It is further submitted that inspite of the allegation that there was indiscriminate firing, neither the informant nor his son or any other inmate of the house has sustained any injury. Further, the informant and his family members are of criminal background and already 8 to 10 criminal cases have been registered against them and there is a possibility of the incident being the handiwork of any rival faction and the name of the petitioner has been arrayed as an accused along with others for settling scores. As a matter of fact, the petitioner works as a labour and both parties belong to the same village and there is land dispute pending between them. The petitioner is in custody since 26.07.2025.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the grant of bail on the ground that the petitioner is a habitual offender and has four criminal antecedents. Learned counsel for the informant has further contended by way of his counter affidavit that since the petitioner is already a convicted accused, Section 480 of the B.N.S.S. would create an impediment to grant bail to such accused provided the Court is satisfied of to do so on account of any other special reason.



6. Upon hearing the rival contentions, this Court would first clarify the legal position which is apparent from the statute itself that Section 480 of the B.N.S.S. excludes from its purview, the High Court and the Court of sessions and as such, the bar created by the said provision, which is not in the form of an absolute restraint, will not get attracted for the purpose of present consideration of bail.

7. This Court, after having cursorily gone through the records of the case, including the case diary, finds that the present case is not one under Section 109 of the B.N.S. and the allegations against the petitioner are general and omnibus in nature. Further, as against allegation of indiscriminate firing resorted to by petitioner and other, not a single person/inmate of the house has sustained any injury and a single empty cartridge has been seized from the place of occurrence and that too was produced by the informant himself.

8. Taking into consideration the above-mentioned facts and circumstances and further considering the fact that the petitioner is a 65 years old man, who is in custody since 26.07.2025 with charge-sheet having been submitted and cognizance taken, other accused persons enjoying the privilege of anticipatory bail, delay caused in lodging F.I.R., coupled with no further progress made in the case, let the above named petitioner,



be released on bail on furnishing bail bond of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned A.C.J.M.-II,
Sheikhpura/concerned Court below in connection with Ariari @
Ariyari P.S. Case No. 277 of 2024 subject to condition that:-

(i) One of the bailors will be his own blood
relative, preferably, father, mother, brother, sister and/or his
wife.

(ii) The petitioner shall remain physically present
in court on each and every date during trial and in the event of
failure on two consecutive dates without sufficient reasons, his
bail bonds shall be liable to be cancelled by the learned court
concerned.

(Soni Shrivastava, J)

anand/-

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