

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82040 of 2025

Arising Out of PS. Case No.-33 Year-2024 Thana- Kanaria District- Saharsa

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Balram Yadav @ Balram Kumar S/O Dhakkan Yadav @ Chattri Yadav R/O
Village- Sukhasan, P.S.- Kanriya, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.

Mr. Rakesh Singh, Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 15-01-2026 Heard Mr. Krishna Prasad Singh, learned senior
counsel for the petitioner, learned counsel for the O.P. No. 2 and
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 109, 126(2),
115(2), 118(1) and 3(5) of the B.N.S.

3. As per the prosecution case, the informant has
alleged that the named accused persons including the petitioner
entered the land which was being ploughed by the informant and
it is further alleged that the petitioner fired from his pistol which
did not hit the informant but he fell down and the other named
accused persons started assaulting him resulting in several
injuries. It has further been alleged that one of the co-accused



even tried to run over the tractor on the informant in order to kill him.

4. The learned senior counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case and as far as the allegation is concerned, it has been submitted that the petitioner had fired from his pistol but it is evident that no case under the Arms Act has been registered in the present case. It has further been submitted that no specific allegation of overt act of any assault has been attributed to the petitioner while the specific allegation of assault is against the other accused persons. Learned counsel has further submitted that there was a case and counter case for the same incident and one case on behalf of the petitioner's side being Kanariya P.S. Case No. 34 of 2024 was lodged against the informant and others. It has lastly been submitted that the petitioner has one criminal antecedent against his name which was registered in 2015.

5. The learned A.P.P. for the State and learned O.P. No. 2 have vehemently opposed the prayer for anticipatory bail of the petitioner and has stated that the petitioner had initially fired which though missed the informant. It has further been submitted that the cartridge was also recovered from the place of occurrence and therefore the allegation on the petitioner is being



substantiated by such recovery and hence he should not be given liberty of anticipatory bail.

6. Considering the aforesaid submissions made by the parties and taking into account the facts and circumstances of the case, the petitioner above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, 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 Court below where the case is pending/successor court in connection with Kanariya P.S. Case No. 33 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner



will liable to be cancelled by the Court concerned.

(iv) The trial court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedents, the trial court shall take necessary steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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