

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91824 of 2025

Arising Out of PS. Case No.-93 Year-2025 Thana- ALOULI District- Khagaria

1. Malik Yadav @ Himashu Yadav @ Mallik Yadav Son of Late Khulat Yadav Resident Of Village- Alauli, Ps- Alauli, Dist -Khagaria
2. Ramvinay Yadav Son of Late Khult Yadav Resident Of Village- Alauli, Ps- Alauli, Dist -Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-01-2026 Heard learned Advocate for the petitioners and
learned Advocate for the State.

2. The petitioners apprehend their arrest in connection with Alauli P.S. Case No.93 of 2025 registered for the offences punishable under Sections 329(4), 109, 3(5) of the BNS, 2023 and Section 27 of the Arms Act.

3. Allegation against the petitioners along with others is of causing indiscriminate firing upon the informant, who anyhow unhurt and confined in his house.

4. Learned Advocate for the petitioners contended that there is a long-standing enmity between the parties. Previously, the father of the petitioners was allegedly killed by the informant and others for which they were made named accused later on. It is alleged that two of the brothers of the informant were



killed by the petitioners and others and there is an FIR in this regard. On account of the aforesaid reason, both the parties are bickering over the previous enmity and there is every chance of false implication of the petitioners as the enmity is a double edged weapon which cuts both the sides. The alleged occurrence took place on 01.03.2025, but the present FIR came to be instituted on 05.03.2025 and the delay has not been explained. Moreover in the said occurrence, none has sustained any injury. However, only in order to wreak vengeance and put pressure to withdraw the earlier case, the present FIR came to be instituted. During the course of investigation, the Investigating Officer has also not found any empty cartridge from the place of occurrence which also create a doubt over the prosecution case. Though, the petitioners bear four criminal antecedent but all the cases are the outcome of enmity and now the petitioners are on bail in all the cases.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the informant was fortunate enough that he did not sustain any bullet injury. However, there is specific accusation of causing indiscriminate firing against the petitioners.

6. Having considered the submissions set forth by the



learned Advocate for the respective parties and taking note of the omnibus accusation of indiscriminate firing causing no injury to anyone, besides the delay in lodging of the FIR as well as the previous enmity between the parties as also the fact that during the course of investigation, no material has been collected suggesting the occurrence of firing and moreover mere criminal antecedent of a person cannot be the sole ground to reject the prayer for bail unless there is other cogent materials suggesting his involvement, 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, Khagaria in connection with Alauli P.S. Case No.93 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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