

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5773 of 2026

Arising Out of PS. Case No.-244 Year-2025 Thana- CHAUTHAM District- Khagaria

1. Santosh Yadav S/o Late Rajendra Yadav R/o Village- Sahorva, P.S.-
Chautham, Distt.- Khagaria
2. Mukesh Yadav S/o Late Ram Balak Yadav R/o Village- Sahorva, P.S.-
Chautham, Dist.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-03-2026 Heard Learned Counsel for the petitioners and
Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of anticipatory bail to the petitioners who apprehend arrest in connection with Chautham P.S. Case No. 244 of 2025, lodged on 01.09.2025, under Sections 109/61(2)/3(5) of the Bhartiya Nyay Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against 17 named accused persons including the present petitioners with allegation of firing on account of land dispute.



4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that due to alleged land dispute their names have figured in this case at the instance of the informant side. Counsel submits that from the FIR itself it is crystal clear that there is no victim due to firing. Counsel submits that other co-accused persons having criminal antecedent have been granted anticipatory bail by a coordinate Bench of this Court vide order dated 28.01.2026 passed in Cr. Misc. No.632 of 2026. Counsel submits that the only negative aspect in this case is that antecedent of the petitioners are not clean. Against petitioner No.1 there are five criminal antecedents and against petitioner No.2 there are three criminal antecedents.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that from the FIR there is no allegation of injury to anyone but antecedent of the petitioners are not clean.

6. In the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as



mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Chief Judicial Magistrate, Khagaria, in connection with Chautham P.S. Case No.244 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023:

(i) One of the bailor should be the family member of the petitioners who shall provide official document to show his *bona fide*;

(ii) The petitioners 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 their bail bonds by the Trial Court itself;

(iii) Petitioners shall satisfy the Trial Court that they are not absconding in any of the following cases pending against them.

Petitioner No.1 has following criminal antecedents in which he is on bail:

- (i). Chautham P.S. Case No.235 of 2019,
- (ii) Chautham P.S. Case No.32 of 2015,
- (iii) Chautham P.S. Case No.266 of 2023,
- (iv) Chautham P.S. Case No.299 of 2021,
- (v). Chautham P.S. Case No.329 of 2024,

Petitioner No.2 has following criminal antecedents in



which he is on bail:

- (i). Chautham P.S. Case No.97 of 2025,
- (ii) Chautham P.S. Case No.32 of 2025,
- (iii) Chautham P.S. Case No.329 of 2024,

7. And further condition that the Trial Court shall verify the criminal antecedents of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the Trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

(Dr. Anshuman, J)

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