

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48661 of 2025

Arising Out of PS. Case No.-10 Year-2025 Thana- BARARI District- Katihar

Photo Yadav @ Photo @ Sanjay Kumar Yadav S/o Ramdev Yadav Resident
of Village- Jhitkiya (Bari Bhains Diyara), P.S.- Barari District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-08-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Barari P.S. Case No.10/2025, registered for the offences
punishable under Sections 109, 3(5) of the B.N.S.S. & Section
27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of four cases but then he has been
acquitted in all the cases by the learned trial court. It is next
submitted that informant alleges that her husband had gone to
purchase vegetable where accused persons including the
petitioner came on two motorcycles and Manish fired causing
injury on chest, thereafter Phulan fired indiscriminately.

4. The learned counsel submits that petitioner has



been falsely implicated in the instant case by the informant. It is next submitted that informant is not an eyewitness to the occurrence and even presuming what has been alleged is true without admitting then no specific allegation of firing is alleged against the petitioner. It is further submitted that statement of the injured was also recorded by the police, wherein he has supported the case of the prosecution but then has stated that Manish fired causing injury on shoulder and Phulan fired indiscriminately but he managed to save himself and the accused persons while fleeing fired in the air, as such, even injured has not stated that petitioner fired at him.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that what is not in dispute rather stands admitted is that injured suffered firearm injury. It is also submitted that no doubt the allegation of firing is not alleged against the petitioner but then he was present at the place of occurrence and did not even made endeavour to stop Manish from committing the occurrence. It is also submitted that presence of the petitioner at the place of occurrence emboldened Manish to commit the occurrence. It is next submitted that the investigation of the case is in nascent stages.



6. Considering the submissions made by the learned APP, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. The anticipatory bail application of the petitioner is rejected.

(Satyavrat Verma, J)

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