

**IN THE COURT OF THE DISTRICT AND ADDITIONAL SESSIONS JUDGE-1st-CUM-SPECIAL
JUDGE (SC/ST, CHILDREN & NDPS ACT)
AURANGABAD (BIHAR)**

**Present: Vishwa Vibhuti Gupta, District & Additional Sessions Judge-1st-cum- Special Judge (SC/ST,
CHILDREN & NDPS ACT), Aurangabad, Bihar.**

REGULAR BAIL APPLICATION NO. 284 OF 2026

AMBA PS CASE NO: 32 OF 2026

1. Mahendra Kumar Yadav, aged about 55 years, S/o-Late Naresh Yadav

2. Lallu Yadav, aged about 32 years, S/o-Shri Rampravesh Yadav

Both residents of village-Hathbor, PS-Amba Ditriect-Aurangabad(Bihar)

....Petitioners

Versus

State of Bihar

....Prosecution

Appearance:

Learned Counsel for the accused-petitioners
Learned Counsel for the State

Shri Nag Deo Singh, Ld. Adv.
Shri Shakti Kumar Singh, Ld. Spl.PP

Order with signature of the Court

**Dated
08.04.2026**

A regular bail petition has been filed on behalf of the accused-petitioners namely **1. Mahendra Kumar Yadav, and 2. Lallu Yadav** who are in judicial custody Since 04.03.2026 in connection with Amba PS Case No. 32/2026 dated 30.03.2026 under Sections 126(2), 115(2), 117(2), 74, 109, 303(2), 324(4), 352, 351(2), 3(5) of the Bhartiya Nyaya Sanhita (BNS), 2023 and Section 3(1)(r)(s) (w),3(2)(va) of the SC/ST Act, 1989 against the accused persons including the petitioners. The case diary was called for an the same is available on the record. After furnishing the copy of the bail petition to the Ld. Spl. PP for the State, this bail petition pressed today. The informant is absent despite issued notice to her.

The learned counsel for the accused-petitioners reading out the contents of the F.I.R., submitted that the accused-petitioners are innocent and have committed no offence. No any other bail petition has earlier been filed on behalf of the petitioners either before this court or any other court of law. The accused-petitioner Mahendra Yadav is an accused in Excise case and the other accused-petitioner Lallu Yadav has no criminal history. There is no any specific allegation against the petitioners. This false case has been filed against the petitioners and 15 other accused persons with intention of spreading communal frenzy in the village. The petitioner did not assault with lathi nor they used any casteist words. No any occurrence has taken place with the informant. An unfavourable atmosphere has been created on the occasion of Holi by the informant. The petitioners have been languishing in judicial custody since 04.03.2026. Hence, he prayed to enlarge the privileges of bail to the accused-petitioners.

Per-contra, the Ld. Spl. PP for the State has opposed the bail application of the accused-petitioners and stated that the allegation is serious in nature and prayed to reject the bail petition.

Heard both the parties and perused the case record. From perusal of the case record it appears that the present petitioners are named in the FIR. The thrust of allegation against the present petitioners is that the FIR named accused persons Kamlesh Yadav, Mahendra Yadav(petitioner), Lallu Yadav(petitioner), Amarjit Yadav, Mahesh Yadav and Santosh Yadav having lathi, iron rod assaulted on the head of Chandramukhi Devi @ Sujanti Devi due to which she sustained injury on her head. When Arvind Paswan, Ramvilash Paswan, Kundan Paswan, Sikandra Paswan, Jitendra Paswan, Dharmendra Paswan, Gautam

**IN THE COURT OF THE DISTRICT AND ADDITIONAL SESSIONS JUDGE-1ST-CUM-SPECIAL
JUDGE (SC/ST, CHILDREN & NDPS ACT)
AURANGABAD (BIHAR)**

**Present: Vishwa Vibhuti Gupta, District & Additional Sessions Judge-1st-cum- Special Judge (SC/ST,
CHILDREN & NDPS ACT), Aurangabad, Bihar.**

REGULAR BAIL APPLICATION NO. 284 OF 2026

AMBA PS CASE NO: 32 OF 2026

**Cont....
08.04.2026**

Paswan and Naresh Paswan came to rescue her and informant, the accused persons also assaulted them and also looted the jewellery and cash. On perusal of the record, it transpires that there is no specific allegation of assault is made out against the accused-petitioners that who assaulted to whom. A perusal of the records makes it clear that the petitioners were arrested on 03.03.2026 but the police failed to comply with legal formalities during the arrest. This makes the arrest flawed and illegal. It is a settled principle of law that "***bail is the rule and imprisonment is the exception.***" and a person can be deprived of personal liberty only through a legally established procedure. Further, on perusal of the record as well as memo of arrest it also transpires that the Investigating Officer(IO) did not furnish the grounds of arrest in writing as mandated by Article 22(1) of the Constitution of India and Section 47 of BNSS, 2023 equivalent to Section 50 of Cr.PC, 1973. There must be some reasonable justification in the opinion of the officer effecting the arrest that such arrest is necessary and justified. "It goes without saying that if the abovesaid schedule for supplying the grounds of arrest in writing is not adhered to, the arrest will be rendered illegal entitling the release of the arrestee. On such release, an application for remand or custody, if required, will be moved along with the reasons and necessity for the same, after the supply of the grounds of arrest in writing setting forth the explanation for non-supply thereof within the above stipulated schedule. On receipt of such an application, the court shall decide the same expeditiously and preferably within a week of submission thereof by adhering to the principles of natural justice". The present petitioners are languishing in jail since 04.03.2026. The investigation is still going on.

Hence, the District Magistrate, Aurangabad(Bihar) is directed to deduct Rs. 10,000/-(Ten thousand) each for illegal detention of **Mahendra Kumar Yadav and Lallu Yadav** from the salary of the Investigating Officer of this case namely S.I- Vikash Kumar and the same to be paid to the accused-petitioners namely **Mahendra Kumar Yadav, and Lallu Yadav** and intimate to this court.

Considering, the facts and circumstances of this case as discussed above, as well as the period of detention undergone by the accused-petitioners, the bail application filed by abovenamed accused-petitioners namely **1. Mahendra Kumar Yadav, and 2. Lallu Yadav** is hereby **allowed**. The above named accused-petitioners are directed to be enlarged on bail, upon furnishing their bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount to the satisfaction of the court. Accordingly, this bail application is **disposed of** in the light of the judgment cited above.

**O/c is directed to send the photocopy of this order to the District Magistrate,
Aurangabad(Bihar) for immediate compliance.**

Dictated & Corrected & Corrected by

(Vishwa Vibhuti Gupta)
District & Additional Sessions Judge-1st-cum-
Special Judge (SC/ST, CHILDREN & NDPS ACT)
Aurangabad, Bihar
Dated: 08.04.2026

IN THE COURT OF THE DISTRICT AND ADDITIONAL SESSIONS JUDGE-1st-CUM-SPECIAL

JUDGE (SC/ST, CHILDREN & NDPS ACT)

AURANGABAD (BIHAR)

Present: Vishwa Vibhuti Gupta, District & Additional Sessions Judge-1st-cum- Special Judge (SC/ST, CHILDREN & NDPS ACT), Aurangabad, Bihar.

REGULAR BAIL APPLICATION NO. 284 OF 2026

AMBA PS CASE NO: 32 OF 2026
