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Court of Sessions Judge, Darbhanga.

Present:- Shri Neeraj Kumar-II, I/c Sessions Judge, Darbhanga
A.B.P. No.1092/2026 (Mithilesh Yadav & others Vs. State of Bihar)

In the Court of Sessions Judge, Darbhanga

A.B.P. No.1092 of 2026

In the matter of:-

1. Mithilesh Yadav son of Yogendra Yadav

2. Shiv Kumar @ Shiv Kumar Yadav son of Mithilesh Yadav -----Petitioners.

Vrs.

The State of Bihar. -----Opposite Party.

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For the Petitioners : Shri Kumar Uttam, Ld. Advocate..

For the O.P.(State) : Shri Amrendra Narayan Jha, Ld. P. P.

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ORDER.

20.07.2026. Heard learned counsel for the petitioners as well as learned P.P. for the State on anticipatory bail filed on behalf of above named petitioners, who are apprehending their arrest in connection with Baheri PS Case No.330 of 2026 for offences U/Ss 126(2), 115(2), 118(1), 109(1), 303(2), 351(2), 352 and 3(5) of the BNS.

2. Heard learned counsel for the petitioners as well as learned P.P. for the State and perused the case record.

3. The prosecution case according to the First Information Report is that the petitioners along with other accused persons trespassed into the house of the informant. The petitioner no.1 verbally abused in order to loot the entire articles. The informant's minor grand daughter Raghni Kumari shouted, the petitioner no.2 and Amarnath dragged her, holding her lock denude her and petitioner no.1 hit her head with an axe and injured. Ram Punit Yadav assaulted the informant's head and Hare Krishna Yadav assaulted informant's daughter-in-law. Kavita Devi snatched the golden Mangalsutra of informant's daughter-in-law. Bablu Kumar, Lalu Yadav, Amarnath Yadav and Shushila Devi broke upon the lock and looted cash and jewellery.

4. Learned counsel for petitioners submitted that the petitioners are innocent and have committed no offence. It is further submitted that the entire allegations as alleged in the F.I.R. is totally false and baseless. He further submitted that no such occurrence took place as alleged in the F.I.R.. It is further submitted that there is case and counter case exist between the party vide Baheri PS Case No.328 of 2026 filed on behest of accused petitioner Shiv Kumar @ Shiv Kumar Yadav against the informant's side. He further

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submitted that petitioners are next door neighbours of the informant and due to misunderstanding both the case has been lodged against each other. It is further submitted that no case u/s 109(1),303(2) of the BNS is made out against the accused petitioners. It is further submitted that there is no custodial interrogation is required in this case. It is, therefore, prayed to enlarge the petitioners on anticipatory bail.

5. The learned Public Prosecutor opposes the prayer for bail of the petitioners.

6. Heard the parties and perused the case record. The informant's side has also filed a case against the informant's side for the same date of incident. None of the alleged stolen article has been recovered from the constructive or conscious possession of the petitioners. The injury report of the injured/informant and his daughter-in-law shows the injury to be simple in nature. The petitioners have no criminal antecedent.

7. Considering the above facts and circumstances of the case discussed above, the instant petition for anticipatory bail of Petitioners is **allowed** and it is ordered that in the event of arrest or surrender before the court below within a period of 21 days from the receipt of this order, the petitioners shall be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below subject to the condition under the provision of section 482(2) of the B.N.S.S.

8. It is made clear that this order has no bearing on the merit of the case.

(Dictated)

(Neeraj Kumar-II)
I/c Sessions Judge,
Darbhanga.
20.07.2026.