

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA

Dated, Saharsa, the 26th March, 2026

Present:- Dinesh Sharma, Principal District & Session Judge, Saharsa

A.B.P. No. 142/2026 (Arising out of Mahishi P.S. Case No. 140/2025)

Rajesh Kumar Yadav @ Rajesh Kumar

... Petitioner Vs State of Bihar

In the matter of :-

Rajesh Kumar Yadav @ Rajesh Kumar S/o Sanjay Yadav, resident of
Shankarthua, Ward No. 1, P.S. Mahishi, District – Saharsa.Petitioner

Vs

State of Bihar

.....Opposite Party

Appearance :-

For the Petitioner :- Sri Prabhat Kumar Singh, Advocate

For the State :- Sri Krishna Murari Prasad, Ld. P.P.

| Date of proceeding | Order with the signature of the court | Office action taken with date |
|--------------------|--|-------------------------------|
| 26.03.2026 | <p>This anticipatory bail petition has been filed on behalf of the petitioner namely Rajesh Kumar Yadav @ Rajesh Kumar S/o Sanjay Yadav who is apprehending his arrest in connection with Mahishi P.S. Case No. 140/2025 registered under Section 292 of BNS, 2023 and Sections 25(9), 35 of the Arms Act.</p> <p>2. Heard the arguments of the learned counsel for the petitioner and the learned P.P. for the State.</p> <p>3. It is submitted by the learned counsel for the accused petitioner that petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner bears criminal antecedent of two cases. It is further submitted that petitioner has neither been arrested on the spot nor any incriminating article has been recovered from the possession of the petitioner. It is further alleged that petitioner has no concern with the alleged incident. Further submitted that petitioner is a man of means and there is no chance of his absconding or tampering with the evidence in this case and he is ready to furnish sound sureties to the full satisfaction of the court. Upon these grounds, the learned counsel prays to grant anticipatory bail to the petitioner.</p> <p>4. On the other hand, the learned P.P. has opposed the prayer of anticipatory bail.</p> <p>5. Rival submissions considered, Record perused.</p> <p>6. The prosecution case, in short as per the written</p> | |

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report of informant P.S.I. Mamti Kumari is that on 05.05.2025 at about 05:00 P.M. in the evening she received a video which was viral on social media. In which some people were seen carrying countrymade pistols and rifles in a maize field which is going viral on social media. Thereafter she proceeded for investigation and necessary action alongwith Home Guard Lalitesh Jha, Home Guard Kundan Paswan, Chowkidar Samina Khatoon and Mahal Chowkidar Mohid Hussain on patrolling vehicle at Shankarthua. At about 05:35 P.M. in the evening when she reached at the house of Rajesh Kumar then some peoples assembled there after seeing the police in which two of them were requested to become independent witnesses but no one was ready. Subsequently Lalitesh Jha and Samina Khatoon, the armed police force were made as independent witnesses and searched together. During the search, the illegal weapon used in viral video was not recovered and the accused Rajesh Kumar was found absent from his house. The father of accused admitted that the viral video was of his son and another unidentified person. On query about Rajesh Kumar his father stated that he had not been at home since the video went viral and on inquiry about the identity of others in the video, the local residents stated that they did not recognize the individual in the video.

7. At the outset, be it noted that a specific query was put by the court to the learned counsel of the petitioner to tell whether the petitioner is having any license to possess firearm and the learned counsel for the petitioner replied that the petitioner is having no license to possess firearm.

8. As per the allegation, the petitioner was seen with a countrymade pistol and rifle in a viral video. The petitioner was identified by Mahal Chowkidar in the video. If the video is not fake then the petitioner was having illegal weapons in his possession. His counsel has admitted that the petitioner has no license.

9. To unearth the whole truth and to recover the alleged countrymade pistol and rifle allegedly seen in the viral video, the custodial interrogation of the petitioner is required. The petitioner is having criminal antecedent of two cases out of which one also relates to the Arms Act.

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10. Considering the aforesaid facts and circumstances and more particular the need of custodial interrogation to recover the alleged countrymade pistol and rifle, no case is made out to grant anticipatory bail to the petitioner. Resultantly, the instant anticipatory bail application filed by the petitioner is hereby **rejected**.

(Dictated)

Dinesh Sharma

(Dinesh Sharma)

Principal Sessions Judge,

Saharsa

26.03.2026

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|-----------------------------------|---------------------|
| Date of Judgement/Order | 26.03.2026 |
| Date of Reserving Judgement/Order | 26.03.2026 |
| Uploading Date | 01-04-26 |
| Uploaded by | <i>Javed Haider</i> |