

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA
Dated, Saharsa, the 4th April, 2026

Present:- Dinesh Sharma, Principal District & Session Judge, Saharsa
A.B.P. No. 192/2026 (Arising out of Simri Bakhtiyarpur P.S. Case No. 168/2025)
Devraj Yadav ... Petitioner Vs State of Bihar

In the matter of :-

Devraj Yadav S/o Hansraj Yadav

Resident of Village Goriari, Ward No. 11, P.S. Salkhua, District Saharsa.

.....Petitioner

Vs

State of Bihar

.....Opposite Party

Appearance :-

For the Petitioner :- Sri Upendra Jha, 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
04.04.2026	<p>This anticipatory bail petition has been filed on behalf of the petitioner Devraj Yadav S/o Hansraj Yadav is apprehending his arrest in connection with Simri Bakhtiyarpur P.S. Case No. 168/2025 registered under Sections 126(2), 115(2), 109, 308(4), 331(1), 303(2), 352, 351(2), 3(5) of BNS, 2023 and Section 27 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 due to dirty village party politics. It is further submitted that the petitioner bears no criminal antecedent. It is further submitted that there is no specific overt act against the petitioner. It is further submitted that co-accused Vinit Kumar has been granted anticipatory bail by this court in A.B.A. No. 812/2025 vide order dated 25.09.2025. It is further submitted that petitioner is 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</p>	

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bail to the petitioner.

4. On the other hand, the learned P.P. has vehemently opposed the prayer of anticipatory bail.

5. Rival submissions considered, Record perused.

6. The prosecution case as emerges from the fardbeyan of informant Mustari Khatoon, in brief, is that on 24.05.2025 at about 03:00 O'clock at Bhattha Tola, Devraj Yadav, S/o Hansraj resident of Goriyari, P.S. Salkhua District Saharsa alongwith Tarjan Yadav, resident of Sukhasan, Vinit Kumar, Vikash Kumar resident of Kaibra Dham and 15 unknown persons came there and demanded rangdari of Rs. 5 Lakhs. When he objected then all the accused persons assaulted with filthy languages and all the accused persons started firing with intention of killing. Anyhow he saved his life. Devraj Yadav alongwith five persons forcibly entered into his room and broke open the lock of the box and looted Rs. 25,000, silver anklet and some articles and fled away from there. The accused persons came with ten motor-cycles and threatened her to give ransom then the informant will permit her to live here. Thereafter information was given to police on 112 then all the accused persons fled away.

7. The petitioner is named accused in FIR. The allegation of firing is against the petitioner though the khokha is not recovered from the place of incident. However in the photograph appended beneath para no. 7 of the case diary, the marks of hitting of bullet may be seen though the co-accused Vinit Kumar has already been granted anticipatory bail by the learned Predecessor vide order dated 25.09.2025 passed in A.B.A. No. 812/2025. However the Hon'ble Supreme Court in the case of Tarun Kumar Vs the Assistant Director, Directorate of Enforcement 2024 (13) SCC 178, has observed that "17.... It may be noted that parity is not the law. While applying the principle of parity, the court is required to focus upon the role attached to the accused whose application is under

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consideration.

8. The allegation of firing is against the petitioner therefore the case of the petitioner is on different footing than the case of co-accused Vinit Kumar.

8. In the facts and circumstances of the present case, the custodial interrogation of the petitioner is required. Therefore no case is made out to grant pre-arrest bail to the petitioner. Resultantly the instant anticipatory bail application filed by the petitioner Devraj Yadav is hereby **rejected**.

(Dictated)

Dinesh Sharma

(Dinesh Sharma)

Principal Sessions Judge,

Saharsa

04.04.2026

Date of Judgement/Order	04.04.2026
Date of Reserving Judgement/Order	04.04.2026
Uploading Date	08-04-26
Uploaded by	<i>Daved Haider</i>