

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA

Dated, Saharsa, the 13th May, 2026

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

A.B.P. No. 367/2026 (Arising out of Bihra P.S. Case No. 234/2021)

Manikant Yadav @ Malkha & Another ... Petitioners Vs State of Bihar

In the matter of :-

1. Manikant Yadav @ Malkha S/o Bidyanand Yadav,

2. Jawahar Yadav S/o Upendra Yadav

Both resident of Village Bishanpur, P.S. Bihra and District Saharsa.

....Petitioners

Vs

State of Bihar

.....Opposite Party

Appearance :-

For the Petitioners :- Sri Sugandhi Kumar Yadav, 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
13.05.2026	This anticipatory bail petition has been filed on behalf of the petitioners namely (1) Manikant Yadav @ Malkha S/o Bidyanand Yadav and (2) Jawahar Yadav S/o Upendra Yadav who is apprehending his arrest in connection with Bihra P.S. Case No. 234/2021 registered under Sections 147, 148, 149, 323, 324, 308, 448, 379, 504, 506, 509 of IPC. 2. Heard the arguments of the learned counsel for the petitioners and the learned P.P. for the State. 3. It is submitted by the learned counsel for the accused petitioners that petitioners are innocent and have falsely been implicated in this case due to grudge, malice and dirty village party politics. Further submitted that the petitioners bear no criminal antecedent. Further submitted that petitioners have given benefit of Section 41 of Cr.P.C. by the police but the learned trial court has taken cognizance. It is further submitted that Sections 308, 379 of IPC are added to make the case graver and non-bailable. It is further submitted that the co-accused persons have been granted bail by this court in A.B.A. No. 218/2026 and A.B.A. No. 395/2026 vide orders dated 18.03.2026 and 30.04.2026 respectively and the case of petitioners	

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stands on same footing. It is further submitted that the case has been compromised between the parties and the compromise petition and permission petitions are attached with the bail application. Further submitted that petitioners are men of means and there is no chance of their absconding or tampering with the evidence in this case and they are 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 petitioners.

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

5. Rival submissions considered, Record perused.

6. The prosecution case as per *Fardbeyan* of the informant, Gandhir Kumar is that on 26.10.2021 at about 16:30 when he was at his door, in the meantime Chano Yadav @ Chandeshwari Yadav, Ram Sharan Yadav, Jay Kumar Yadav, Raj Kumar Yadav, Jawahar Yadav, Malak @ Manikant Yadav, Amarjeet Yadav, Dayanand Yadav, and Naveen Kumar armed with weapons came at his door and assaulted him with filthy languages due to election rivalry and when he objected then Malakh @ Maniant Yadav armed with farsa in his hand assaulted on his head due to which he sustained injury and fell down on the ground. When his elder brother Randhir Yadav came to save him then Jawahar Yadav and Ram Sharan Yadav armed with rod and lathi assaulted him and he sustained injury on his head. Raj Kumar Yadav, Dayanand Yadav, Jay Kumar Yadav and Sanjay Yadav also assaulted his wife by entering into his house and Chandeshwari Yadav snatched golden chain from the neck of his wife worth Rs. 50,000/- Raj Kumar Yadav snatched Rs. 15,000/- from the pant of Randhir Yadav which was kept for the work of centring. On hearing hulla some nearby people and family members came there and pacified the matter. All

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the accused persons threatened to face dire consequences. His mobile was also broken by them. hence the case registered.

7. Admittedly the petitioners were given the benefit of Section 41(A) of Cr.P.C. The learned Jurisdictional Magistrate had taken cognizance of the offence. However, the petitioners could not appear in compliance to the summons issued by the learned court on date thereafter NBW have been issued against the accused persons. Though injury of some of the accused persons are grievous in nature. Charge-sheet has been filed in this case and during course of investigation the police has given benefit of Section 41(A) of Cr.P.C. Admittedly four co-accused persons have already been granted bail by the learned predecessor court in A.B.A. No. 1196/2025 vide order dated 20.01.2026 and co-accused persons namely Dayanand Yadav, Amarjit Kumar and Ram Sharan Yadav have also been granted anticipatory bail by this court in A.B.A. No. 218/2026 and A.B.A. No. 395/2026 vide orders dated 18.03.2026 and 30.04.2026. It is trite law that there should be parity in judicial orders and similarly placed accused persons should be treated similarly. Since the co-accused persons have already been admitted on anticipatory bail by the learned predecessor court. Furthermore no grounds to take a different view.

8. As no purpose would be served by sending the petitioners behind the bars. Needless to mention that bail is rule and jail is exception. For reference **Balchand @ Baliay Vs the State of Rajasthan, (1977) 4 SCC 308**, in which the Supreme Court has held that *"the basic rule may perhaps be tersely put as bail, not jail, except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the*

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like, by the petitioner who seeks enlargement on bail from the Court. We do not intend to be exhaustive but only illustrative."

9. Considering the aforesaid facts and circumstances, the prayer for anticipatory bail of petitioners (1) Manikant Yadav @ Malkha and (2) Jawahar Yadav is **allowed** and in the event of arrest or surrender of the petitioners within a period of four weeks from today, they are directed to be released on bail subject to their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties each in the like amount to the satisfaction of the learned jurisdictional Magistrate where the case is presently pending. This order is further subject to the conditions as laid down u/s 482(2) of BNSS. The petitioners shall cooperate in trial.

(Dictated)



(Dinesh Sharma)

Principal Sessions Judge,

Saharsa

13.05.2026

Date of Judgement/Order	13.05.2026
Date of Reserving Judgement/Order	13.05.2026
Uploading Date	18-05-26
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