

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA

Dated, Saharsa, the 10th April, 2026

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

A.B.P. No. 214/2026 (Arising out of Baijnathpur P.S. Case No. 107/2024)

Kailash Yadav

..... **Petitioner Vs State of Bihar**

In the matter of :-

Kailash Yadav S/o Late Ruplal Yadav

Resident of Village Khajuri, P.S. Baijnathpur, District Saharsa.

....**Petitioner**

Vs

State of Bihar

.....**Opposite Party**

Appearance :-

For the Petitioner :- Sri Rajeshwar Prasad Yadav, Advocate

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

Sl. No.	Date of proceeding	Order with the signature of the court	Office action taken with date
	10.04.2026	This anticipatory bail petition has been filed on behalf of the petitioner namely Kailash Yadav S/o Late Ruplal Yadav who is apprehending his arrest in connection with Baijnathpur P.S. Case No. 107/2024 registered under Sections 109, 115(2), 118(1), 76, 303(2), 126(2), 352, 351(2) (3), 3(5) of BNS, 2023. 2. Heard the arguments of the learned counsel for the petitioner and the learned P.P. for the State. 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 grudge, malice and dirty village party politics. It is further submitted that the petitioner bears no criminal antecedent. It is further submitted that no case is made out against the petitioner. It is further submitted that the police has given the benefit under Section 35 of BNSS. It has been further submitted that charge-sheet has been submitted in this case thereafter learned trial court has taken cognizance in this case. It is further submitted that petitioner is a man of means and he is ready to furnish sound sureties to the full satisfaction of the learned court. Upon these grounds, the learned counsel prays to grant anticipatory bail to the petitioner.	On

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA

Dated, Saharsa, the 10th April, 2026

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

A.B.P. No. 214/2026 (Arising out of Baijnathpur P.S. Case No. 107/2024)

Kailash Yadav

..... Petitioner Vs State of Bihar

<u>Cont/2-</u> <u>10.04.2026</u>	4. On the other hand, the learned P.P. has opposed the prayer of anticipatory bail of the petitioner. 5. Rival submissions considered, Record perused. 6. The case of prosecution in brief is that the informant Mahendra Pandit is that on 15.09.2024 at about 08:30 in the morning, his daughter-in-law Sunita Devi, her son Nandan Kumar, Manjit Kumar and Sita Devi went to Public Distribution to inquire from the shopkeeper that on 13.09.2024 when his grandson Nandan Kumar went to dealer Kailash Yadav to collect his ration and he told that his ration was taken away by Manjit Kumar. To inquire about the matter they went to the house of Manjit Kumar on which he became furious and started abusing him and tried to push him out of the door and when he protested then Kailash Yadav took out an iron rod from the house and assaulted Nandan Kumar on his head with intention of killing due to which his head got lacerated and blood started oozing. When Sunita Devi tried to rescue him then she was also assaulted on her head by iron and she sustained injury on her head and fell down thereafter Kailash Yadav with bad intentions tore her clothes and stripped her naked and also took away gold ear ringh worth Rs. 37,000/- from her ear. The injured persons are under treatment at Sadar Hospital, Saharsa. 7. Initially the petitioners were not arrested during the course of investigation and benefit of Section 35(3) of BNSS, 2023 was granted to the petitioner and the charge-sheet was filed under Sections 115(2), 74, 126(2), 352, 351(2)(3) of BNS, 2023. However disagreeing with the police the learned Magistrate has also taken cognizance under Section 109 of BNS,	
-------------------------------------	--	--

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA

Dated, Saharsa, the 10th April, 2026

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

A.B.P. No. 214/2026 (Arising out of Baijnathpur P.S. Case No. 107/2024)

Kailash Yadav

..... Petitioner Vs State of Bihar

Cont/3-
10.04.2026

2023 apart from the other sections. Section 109 of BNS, 2023 is punishable with imprisonment for life if injury is caused. Section 480 of BNSS, 480(i) of BNSS reads as follows :- "*Such person shall not be so released if there appears reasonable ground for believing that he has been guilty of an offence punishable with death or imprisonment for life.*"

8. In view of the above, the petitioner is reasonable apprehension of arrest taking into the totality of the facts and circumstances, a case to grant anticipatory bail is made out. Accordingly the prayer for anticipatory bail of petitioner Kailash Yadav is **allowed** and in the event of arrest or surrender of the petitioner within a period of four weeks from today, he is directed to be released on bail subject to his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties in the like amount to the satisfaction of the learned jurisdictional Magistrate where the case is presently pending, further subject to the conditions as laid down u/s 482(2) of BNSS.

(Dictated)



(Dinesh Sharma)

Principal Sessions Judge,

Saharsa

10.04.2026

Date of Judgement/Order	10.04.2026
Date of Reserving Judgement/Order	10.04.2026
Uploading Date	16.04.26
Uploaded by	Javed Haider