

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA
Dated, Saharsa, the 15th May, 2026

Present:- Dinesh Sharma, Principal District & Session Judge, Saharsa
B.A. No. 274/2026 (Arising out of Sonbarsa Raj P.S. Case No. 226/2025)
Aashish Kumar @ Asshish Yadav ... Petitioner Vs State of Bihar

In the matter of :-

Aashish Kumar @ Asshish Yadav S/o Suchendra Yadav
Resident of Village Balaitha, P.S. Basnahi, District Saharsa.

.....Petitioner

Vs

State of Bihar

.....Opposite Party

Appearance :-

For the Petitioner :- Sri Indra Bhushan 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
	15.05.2026	This bail petition has been filed on behalf of the petitioner namely Aashish Kumar @ Asshish Yadav son of Suchendra Yadav who is in custody since 23.12.2025 in connection with Sonbarsa Raj P.S. Case No. 226/2025 registered under Sections 309(6), 109 of BNS and Section 27 of the Arms Act. 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 in custody since 23.12.2025. It is further submitted that petitioner is quit innocent has falsely been implicated in this case. It is further submitted that petitioner bears criminal antecedent of six cases. It is further submitted that petitioner is not named in FIR and the alleged sections are not applicable against the petitioner. It is further submitted that petitioner has not been arrested on the spot. It is further submitted that no TIP has been got conducted by the police. It is further submitted that Sections 309(6), 109 of BNS and Section 27 of the Arms Act are added to make the case graver and non-bailable. It is further submitted that co-accused has been granted bail by this court in R.B.A. No. 43/2026 vide order dated	

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA

Dated, Saharsa, the 15th May, 2026

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

B.A. No. 274/2026 (Arising out of Sonbarsa Raj P.S. Case No. 226/2025)

Aashish Kumar @ Asshish Yadav ... Petitioner Vs State of Bihar

Cont/
15.05.2026

26.03.2026 and the case of petitioner stands on same footing. It is further submitted that petitioner is ready to abide all the terms and conditions imposed by the learned court and he is ready to furnish sound sureties to the full satisfaction of the court. Upon these grounds, the learned counsel prays to grant bail to the petitioners.

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

5. Rival submissions considered, Record perused.

6. The prosecution case, in brief, is that as per the typed report of informant Upendra Prasad Sah is that on 23.11.2025 at about 07:30 P.M. in the evening his elder son Gautam Kumar counting cash at his shop situated at Dehad More then four unknown miscreants on two motor-cycle came there and parked their vehicle in front of his shop in which two of the miscreants armed with weapons poured chilli powder upon him due to which his son started crying. In the meantime two of the miscreants armed with weapons started firing which hits the ribs of his son and he sustained injury. The accused persons snatched the cash bag in presence of his staffs and fled away towards Manori road by brandishing weapon. With the help of nearby peoples his son was brought to Sonbarsa Hospital where he was referred to Sadar Hospital, Saharsa for better treatment.

7. The petitioner is in custody since 23.12.2025. Admittedly the name of the petitioner is not mentioned in the FIR. The name of the petitioner first time came in the confessional statement of the co-accused Md. Parvej Alam. The petitioner was got remanded in this case from another case. Nothing incriminating article was recovered from or at the instance of the petitioner. Charge-sheet in this case has already been submitted without putting the petitioner on TIP. Though the petitioner is



IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA

Dated, Saharsa, the 15th May, 2026

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

B.A. No. 274/2026 (Arising out of Sonbarsa Raj P.S. Case No. 226/2025)

Aashish Kumar @ Asshish Yadav ... Petitioner Vs State of Bihar

Cont/3-
15.05.2026

having criminal antecedent of six cases, however, merely on the basis of criminal antecedent in the peculiar facts and circumstances the petitioner cannot be denied the bail.

8. **The Hon'ble Supreme Court in the case of Prabhakar Tewari Vs the State of Uttar Pradesh and Another (2020)11 SCC 648 has held that "7..... the offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These facts by themselves can not be the basis for refusal of prayer for bail."** As per the dicta of this judgment bail can not be denied merely on the basis of criminal history alone.

9. Considering the totality of the facts and circumstances a case to grant bail to the petitioner is made out. Resultantly the prayer for bail is **allowed**. The petitioner **Aashish Kumar @ Asshish Yadav** 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 Magistrate where the case is presently pending further subject to the conditions as laid down under Section 480(3) of the BNSS.

(Dictated)

DS
(Dinesh Sharma)

Principal Sessions Judge,

Saharsa

15.05.2026

Date of Judgement/Order	15.05.2026
Date of Reserving Judgement/Order	15.05.2026
Uploading Date	18-05-26
Uploaded by	Saved Harder