

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE, SAHARSA

Dated, Saharsa, the 30th June, 2026

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

A.B.P. No. 473/2026 (Arising out of Sonbarsa Raj P.S. Case No. 246/2025)

Dev Raj Yadav

..... Petitioner Vs State of Bihar

In the matter of :-

Dev Raj Yadav S/o Birbal Yadav

Resident of Village Barsam, Ward No. 1, P.S. Basnahi, District Saharsa

....Petitioner

Vs

The State of Bihar

.....Opposite Party

Appearance :-

For the Petitioner :- Sri Prakash Kumar Roy, 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
	30.06.2026	This anticipatory bail petition has been filed on behalf of the petitioner namely Dev Raj Yadav S/o Birbal Yadav who is apprehending his arrest in connection with Sonbarsa Raj P.S. Case No. 246/2025 registered under Sections 103(1) 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 innocent and has falsely been implicated in this case. It is further submitted that the petitioner bears criminal antecedent of one case. It is further submitted that the alleged section are not applicable against the petitioner and the petitioner has no manner of concern with the alleged incident. It is further submitted that no TIP has been got conducted by the police. It is further submitted that 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 learned court. Upon these grounds, the learned counsel prays to grant anticipatory bail to the petitioner. 4. On the other hand, the learned P.P. for the State vehemently opposed the prayer of anticipatory bail. 5. Rival submissions considered, Record perused. 6. The prosecution case, in short as per the typed report of informant Sachit Mistry is that on 11.12.2025 at about 10:00 P.M. in the night he slept in his house after eating food	

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<u>Cont/2-</u> <u>30.06.2026</u>	and his father was also slept in his house. After half an hour he heard the sound of firing thereafter he saw across the tatti then saw two persons shot his father and ran away. Thereafter he came near his father and found his father covered with blood and his father sustained gunshot injury on his temple and his father also found dead at the spot. Both the accused persons fled away from there are unknown. With the help of nearby people the dead body of his father sent to Sadar Hospital, Saharsa for postmortem. 7. Thought the name of the petitioner has come in the confessional statement of co-accused Manish Kumar @ Manish Yadav. However there is no bar in law to investigate the case on the clues provided by the accused persons in his confessional statement. As per the investigation conducted so far the deceased has been allegedly murdered pursuant to a conspiracy hatched by the informant who happens to be the son of the deceased alongwith this petitioner and other. The weapon of offence is yet to be recovered. The petitioner is having criminal antecedent of three cases as mentioned in para 144 of the case diary. 8. Notably the petitioner has tried to conceal his criminal antecedent in the bail petition. The petitioner has mentioned single criminal antecedent whereas as per the case diary he is involved in three cases apart from this case. 9. The Hon'ble Supreme Court in the case of State represented by the CBI Vs Anil Sharma (1997) 7 SCC 187 has observed in para 6 that “6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere	
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<u>Cont/3-</u> <u>30.06.2026</u>	<i>ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”</i> 10. The Hon’ble Supreme Court in the case of P. Chidambaram Vs Directorate of Enforcement, (2019) 9 SCC has reiterated the observation of Anil Sharma’s case at para No. 74 which reads as follows :- “74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual’s right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information. (In State Vs Anil Sharma, the Supreme Court has held as under : SCC P. 189 Para 6. “We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all	
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accused in all criminal cases. The court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.

11. The Hon’ble Supreme Court in the case of **Najiya Parveen Vs The State of Bihar & Another, Criminal Appeal No. 1279-1284/2026** decided on **11.03.2026** has held in para no. 21 that “*Furthermore, in a case involving allegations of murder and conspiracy, the arrest and custodial investigation of the accused/suspects would be absolutely essential as it could lead to the discovery of further offence fortifying the prosecution case.*”

12. In view of the above mentioned facts and circumstances and the need of custodial interrogation, no case is made out to grant pre-arrest bail to the petitioner at this stage. Resultantly, the anticipatory bail application of the petitioner Dev Raj Yadav is hereby **rejected**.

(Dictated)
Sd/-
(Dinesh Sharma)
Principal Sessions Judge,
Saharsa
30.06.2026

Date of Judgement/Order	30.06.2026
Date of Reserving Judgement/Order	30.06.2026
Uploading Date	03.07.2026
Uploaded by	Sachin Kumar