

COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE- IIIrd, SAHARSA

ABA No.- 646/2026

Arising out of Saharsa PS Case No.-800/2023

Bijendra Yadav

Petitioner

Versus

State of Bihar

Opp. Party

Date of order or proceeding	Order with signature of the court	Office action taken with date
24.07.2026	1. The present anticipatory bail petition has been filed on behalf of accused person namely Bijendra Yadav who is apprehending his arrest in connection with Saharsa PS Case No.-800/2023 registered for the offences punishable U/Ss- 341, 323, 325, 447, 307, 354(B), 379, 384, 504, 506 and 34 of IPC and 27 of Arms Act. The record has been been put up for hearing. 2. Heard Sri Sunil Kumar Singh, learned counsel for the petitioner as well as the learned A.P.P. Sri Sadanand Yadav for the State. 3. The case of Prosecution in brief as per typed written information of Amit Kumar, s/o- Late Banarsi Yadav is that on 08.11.2023 at about 06:15 PM he was at his door wherein accused persons persons including the present petitioner having armed with stick, iron rod came to him and started making abusive language and in said course when his brother Lalan Kumar make protest all the accused persons started making assault. Further he stated that all the the accused persons started beating him and his family members with lathi, danda, rod in which they sustained injuries and became unconscious. It is further alleged that the Further in the said incident Amit Kumar with intention to kill made below of iron rod on the person of Lalan Kumar upon which he became unconscious. Further Amit Kumar assaulted infrmant's body with rod which caused fracture on his right knee. Accused persons tried to outrage modesty of informant's sister-in-law. One of the	

COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE- IIIrd, SAHARSA

ABA No.- 646/2026

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page-2 Contd. 24.07.2026	co-accused Sanjay with intention to kill shot fire by a country made pistol on the infrmant. They also snatched gold of about Rs. 60,000/- and demanded ransom money of Rs. 5 lakhs. Upon which shouting nearby people gathered and the accused persons threatened him and flee away, then all the injured persons were admitted to Sadar Hospital, Saharsa for treatment. 4. Learned counsel for the petitioner has submitted that petitioner is having clean antecedent and further he submitted that earlier petitioners have not filed any application for bail in this Court or before the Hon'ble High Court. Further he submitted that petitioner has falsely been implicated in this case and further petitioners are innocent and have committed no offence. Further he submitted that petitioner is the resident of other village and he is father-in-law of Chhotu Kumar, the husband of her daughter Rupam Kumari and petitioner is old age about 74 years. Petitioner is man of means and there is no chance of their absconding or tampering with the evidence in this case. Hence, the prayer for bail may be allowed. On the contrary learned A.P.P. opposed the prayer for bail. 5. I have heard the rival submission of both parties. Perused the case record. On perusal of the record it appears that petitioners is named in the FIR and specific allegation against the accused petitioner is of instigating the co-accused Amit Kumar who being instigated made firing on the person of informant, who as per injury report has sustained grievous injury and the same is mentioned blow: 1. Laceration of size 1" x 1-2" x scalp deep on occipital region of skull.	
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ABA No.- 646/2026

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<u>Page-3</u> contd. 24.07.2026	2. Unable to move St. Knee. X-ray Rt. Knee AP & lateral view done at Sadar Hospital shows fracture patella. Thus in view of the aforesaid facts and taking into consideration the specific overt act of making instigation made by the present petitioner upon which co-accused Amit Kumar made vital blow on the person of informant leading to grievous injury. Further the case of the present petitioner is distinguishable from other two co-accused who were granted bail from this court vide ABA No. 640 of 2026 against whom no overt act has been attributed and also the aforesaid co-accused namely Sarita Devi and Anjali Devi are having similar footing to that of Bindu Devi, Lalo Devi, Soman Devi @ Sintu Devi who were granted pre arrest bail by the Hon'ble High Court vide order dated 14.08.2024 in Cri. Misc. No.-49019 of 2024. 6. Considering the facts and circumstances, I am not inclined to enlarge the petitioner on pre-arrest bail and hence the prayer for anticipatory bail of petitioner namely Bijendra Yadav is hereby rejected. (Dictated & corrected by me) Sd/- I/C District & Addl. Sessions Judge III	

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