

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1951 of 2025

Arising Out of PS. Case No.-622 Year-2024 Thana- BIHTA District- Patna

Jitendra Yadav @ Jitendra Kumar S/O Late Chand Govind Yadav R/O
Doghra, P.O- Doghra, P.S- Bihta, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 2539 of 2025

Arising Out of PS. Case No.-622 Year-2024 Thana- BIHTA District- Patna

Manu Yadav S/o- Late Chand Govind Yadav Resident of Doghra Post Office-
Doghra PS- Bihta District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 1951 of 2025)
For the Petitioner/s : Mr. Amit Shrivastava, Sr. Advocate
Mr. Smita Kumari, Advocate
Mr. Girish Pandey, Advocate
For the Informant : Mrs. Archana Sinha, Sr. Advocate
For the Opposite Party/s : Mrs. Asha Devi, APP
(In CRIMINAL MISCELLANEOUS No. 2539 of 2025)
For the Petitioner/s : Mr. Amit Shrivastava, Sr. Advocate
Mr. Smita Kumari, Advocate
Mr. Girish Pandey, Advocate
For the Informant : Mrs. Archana Sinha, Sr. Advocate
For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

9 20-06-2025 1. Heard Mr. Amit Shrivastava, the learned Senior
counsel for the petitioners, Mrs. Archana Sinha, the learned
Senior counsel for the informant and the learned A.P.P. for the
State.



2. The petitioners seek bail in connection with Bihta P.S. Case No. 622 of 2024 registered for the offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 as well as Section 27 of the Arms Act.

3. The prosecution story in short is that on 12.07.2024 at about 06:10 a.m. the informant's daughter had gone to attend the call of nature outside the house when she heard the sound of firing and saw that the accused persons, namely, Jitendra Yadav (petitioner), Manu Yadav (petitioner), Manoj Yadav, Guddu Yadav, Sunil Yadav had confined her brother Anjit Yadav. Further, Jitendra Yadav(petitioner) and Manu (petitioner) were carrying arms in their hands while Manoj Yadav, Guddu Yadav and Sunil Yadav had confined her brother and Jitendra and Manu (both petitioners) shot him causing injury on his chest leading to his death. Further, the informant's daughter went to save her brother but the accused persons kicked her and also fired 4-5 rounds at her but she managed to save herself.

4. Mr. Amit Shrivastava, the learned senior counsel appearing on behalf of the petitioners submits that petitioners have falsely been implicated in the instant case by the informant. It has been submitted that the informant is not an



eyewitness to the occurrence and no motive has been assigned in the FIR for the accused to commit the occurrence. It has further been submitted that it does not appear probable that the daughter of the informant in the village at about 06:10 a.m. in the morning would have gone to attend the call of nature when the occurrence is alleged to have been committed. It has next been submitted that it does not appear probable that petitioners would have left the daughter of the informant alive when she had seen the occurrence and thus would have created evidence against themselves. It has also been submitted that as far as allegations against these petitioners are concerned, it is alleged that both the petitioners shot the brother of the informant causing injury on his chest leading to his death but the police has found only one empty cartridge at the place of occurrence and there is only one wound of entry on the body of the deceased and which suggests that the informant is not an eye-witness and also the mobile location of the petitioners were found at about 200 K.M away from the place of occurrence. It has lastly been submitted that the petitioners carry clean antecedent and are in judicial custody since 23.07.2024.

5. Mrs. Archana Sinha, the learned Senior counsel appearing on behalf of the informant has opposed the prayer for



bail of the petitioners and has submitted that there is direct allegation against both the petitioners that both of them shot the brother of the informant causing injury on his chest leading to his death but she is not in a position to rebut the submission of the learned senior counsel appearing on behalf of the petitioners that if the petitioners had fired at the deceased, why the accused persons would have left the daughter of the informant alive when she had seen the occurrence and had also gone to the place of occurrence to save her brother.

6. Learned Senior counsel appearing on behalf of the informant has further submitted that if privilege of bail is granted to the petitioners, the petitioners may abscond on which learned Senior counsel appearing on behalf of the petitioners submits that petitioners shall not abscond rather will cooperate in the investigation to prove their innocence and shall be present on each date during trial.

7. Learned APP for the State has adopted the submissions advanced by the learned Senior counsel appearing for the informant.

8. Considering the aforesaid submission made by the respective parties and the facts and circumstances of the case, let the petitioners above-named, be released on bail on each of



them furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bihta P.S. Case No. 622 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS subject to the following conditions

a. One of the bailors of the petitioners shall be their close relative.

b. The petitioners shall remain physically present in Court on each date of the trial.

c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioners in similar nature of offence, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

d. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

e. However, if the investigating officer of the case files an application bringing to the notice of



the learned trial court that petitioners despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

9. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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