

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.930 of 2025

Arising Out of PS. Case No.-534 Year-2024 Thana- ARA NAWADA District- Bhojpur

Bittu Yadav S/o Late Ishu Yadav R/o Mohalla - Bahiro, Ara, P.S. - Ara
Nawada, Distt.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 2803 of 2025

Arising Out of PS. Case No.-534 Year-2024 Thana- ARA NAWADA District- Bhojpur

Vishal Kumar S/o- Vivekanand yadav Resident of Village- Bahiro PS- Ara
Nawada, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 930 of 2025)
For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP
(In CRIMINAL MISCELLANEOUS No. 2803 of 2025)
For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 309-04-2025
1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Ara Nawada P.S. Case no.534 of 2024 registered under sections 191(2), 191(3), 190, 127(1), 115(2), 109, 352 and 351(3) of the Bhartiya Nyaya Sanhita 2023 and section 27of the Arms Act.



3. At the outset it is submitted by learned counsel for the petitioners that the informant having died in course of treatment section 103 of the Bhartiya Nyaya Sanhita, 2023 was added in the chargesheet.

4. As per the prosecution case, the informant states that the five named accused persons including the petitioner Bittu Yadav along with 4-5 other persons came variously armed. It is stated that Roshan Yadav and Golu Yadav who were armed with pistol resorted to firing resulting in firearm injury to the informant. It is further stated that Bittu Yadav assaulted Adarsh on his head with the butt of a pistol while others resorted to firing. As stated above, the informant having died subsequently in course of treatment, section 103 of the Bhartiya Nyaya Sanhita was added in the chargesheet.

5. It is submitted by learned counsel for the petitioner Bittu Yadav that this petitioner has been falsely implicated in the case. The allegation on this petitioner is of having assaulted Adarsh, however, there is no injury report of Adarsh on record. The petitioner is in custody since 24.7.2024 and undertakes to cooperate in the trial.

6. It is submitted by learned counsel for the petitioner Vishal Kumar that this petitioner has been falsely implicated in



the case. He is not named in the FIR. The name of this petitioner transpired 3 months later in course of investigation on the basis of suspicion and further the prosecution is relying on the confession of this petitioner. At worst, as per confession he is said to have participated in the occurrence. The petitioner is in custody since 30.10.2024 and undertakes to cooperate in the trial.

7. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submitted that not only the petitioner Bittu Yadav is named in the FIR but both the petitioners are said to have actively participated in the occurrence. The informant died in course of treatment and as per instructions received, the trial has commenced. In case the petitioners are enlarged on bail they will not permit the trial to proceed.

8. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., there being no injury report of Adarsh on record, the name of the petitioner Vishal Kumar having transpired in course of investigation, the material that has transpired in course of investigation and the petitioners having remained in custody since 24.7.2024 and 30.10.2024 respectively,



the Court directs the petitioners to be enlarged on bail in connection with Ara Nawada P.S. Case no. 534 of 2024 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur on the following conditions:

(1) The petitioners shall remain physically present on each and every date in the court below in course of trial.

(2) In case of absence of the petitioners on any date for reasons not to the satisfaction of the learned trial court, the learned trial Court may cancel the bail bond of the petitioner/petitioners and taken him/them into custody till conclusion of the trial.

(Partha Sarthy, J)

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