

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2796 of 2025

Arising Out of PS. Case No.-566 Year-2024 Thana- KATIHAR NAGAR District- Katihar

Manoj Sah @ Mithu Kumar Upendra Sah @ Upandra Sah @ Upendar Sah
Resident of Village- Tingachhia, P. S- Ktihar Town, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Advocate

For the State : Mr. Anant Kumar 1, APP

For the Informant : Mr. Deepak Kumar, Advocate

: Mr. Md. Ghulam Mustafa, Advocate

: Mr. Padmanabh Kashyap, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-04-2025 Heard the parties.

2. The petitioner is in custody in connection with Katihar Town P.S. Case No. 566 of 2024 for the offence punishable under sections 126(2), 109 and 3(5) of the B.N.S. and 25(1-b)a, 26, 27 and 35 of the Arms Act, lodged on 12.08.2024 by the informant, Kajal.

3. As per the prosecution story, the informant alleged that her husband while returning from the SFC Godown was shot by Shiva Yadav along with other accused persons. He was seriously injured and rushed to the Max Hospital, Kasba, Purnea where the operation took place and the bullet was taken out from the body which led to the F.I.R.

4. Subsequently, the investigation took place, Shiva Yadav was picked up and he named this petitioner along with Chandan Kumar @ Chandan Sharma as his associate who



participated in the crime. The confessional statement was recorded on 12.08.2024 and the petitioner went into custody on 13.08.2024.

5. Learned counsel for the petitioner submits that he has no criminal antecedent, only on the basis of confessional statement, implicated. Further, it was Shiva Yadav who was having problem with the victim as some of his food grains were not found at par with the quality maintained by the SFC and rejected which had infuriated and he allegedly opened fire as per the F.I.R.. The petitioner is a young boy, student, is in custody since 13.08.2024. Further without accepting the allegation or outcome of the petition the petitioner intends to contribute Rs.25,000/- to the victim for his treatment expenses by Demand Draft issued by the local Branch of State Bank of India and the receipt has to be submitted before the Trial Court.

6. Learned APP as also learned counsel for the informant opposes the prayer for bail submitting that on 16.09.2024, the statement of the victim was recorded in which he named this petitioner to be present at the spot and participated in the crime.

7. Learned counsel for the petitioner in turn submits that the earlier F.I.R. of the victim's wife only shows Shiva



Yadav only as the accused. Subsequently, when the Shiva Yadav made confessional statement on 12.08.2024, taking cue, on 16.09.2024, he has also been named. The last submission is that Chandan Sharma @ Chandan Kumar has been granted bail on 09.04.2025 in Cr. Misc. No. 2271 of 2025.

8. Taking into account the aforesaid facts as also that the main accused is Shiva Yadav, this petitioner is in custody since 13.08.2024 having no criminal antecedent, name has come in the confessional statement, one of the similar place accused who was also named by the Shiva Yadav (Chandan Sharma) has been granted bail as stated above, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs.25,000/- for the treatment of victim by Demand Draft issued by the local Branch of State Bank of India in the name of victim (Jyoti Shankar) and the receipt has to be submitted to the Trial Court and after checking credentials to be handed over to the victim.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Katihar Town P.S. Case No. 566 of 2024, subject to the following conditions:



(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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