

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9899 of 2025

Arising Out of PS. Case No.-106 Year-2024 Thana- BANGAWON District- Saharsa

Anil Yadav S/O Late Upendra Yadav Village- Bariyahi Basti, P.S.- Bangaon,
District- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate

Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 29-05-2025 Heard learned senior counsel Mr. Krishna Pd. Singh appearing for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with Bangaon P.S. Case No. 106 of 2024 lodged on 17.08.2024, for the offence punishable under Sections 103(1), 61(2), 54 & 351(3) of the Bharatiya Nyaya Sanhita, 2023 and section 27 of the Arms Act.

3. The prosecution case in the First Information Report is that while the father of the informant was getting his shaving done in a salon, seven named accused persons arrived and they fired at him due to which, he died. It has also been alleged that there were certain unknown persons as well who



had covered their faces. Further, at the fag end of the FIR, it has been specifically stated that three accused persons namely, Santosh Gupta, Raushan Kumar and Ashish Kumar went inside the salon and fired at the deceased, whereas, the other accused persons stood outside the salon and aided in the occurrence.

4. Learned senior counsel appearing for the petitioner submits that it would be apparent from the FIR itself that the allegation of firing is specific on three accused persons and not on the petitioner. This fact has also been supported during the course of investigation in the further statement of the informant. It is further submitted that a land dispute between the parties has also been referred to in the first information report itself. It has further been submitted that during the course of investigation, some persons have also been identified in the CCTV footage which has been recorded in paragraph no.111 of the case diary and a perusal of the same would show that the petitioner is not one of the persons who has been identified, rather, one Raja Kumar has been identified in the said CCTV footage who has already been granted bail by the Co-ordinate Bench of this Court *vide* order dated 04.04.2025 passed in Cr. Misc. No.15604 of 2025. Further, it has also been pointed out from the first information report that as against allegation of firing by three



persons specifically, the deceased has sustained two fire arm injuries which resulted into cause of death. It has also been submitted by the learned senior counsel for the petitioner that the petitioner is in custody since 20.08.2024 and charges have already been framed in this case.

5. Learned counsel for the informant however, opposes the prayer for bail of the petitioner on the ground that there is an allegation in the first information report on all the accused persons including the present petitioner for being involved in the death of the deceased and further that the deceased had also got a *sanha* registered few days before the occurrence, wherein, he had raised suspicion against some of the accused persons including the petitioner.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner has one criminal antecedent.

7. Taking into consideration the rival contentions of the parties and also considering that the petitioner is not one of the assailants of the deceased and he is in custody since 20.08.2024 and charges have been framed in this case, let the above named petitioner, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned A.C.J.M.-I, Saharsa, in connection with Bangaon P.S. Case No. 106 of 2024.

8. However, the petitioner is directed to appear physically before the learned Court concerned on each and every date and he would not seek any unnecessary adjournment in the case causing any kind of delay.

(Soni Shrivastava, J)

Divyansh/-

U		T	
---	--	---	--

