

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5234 of 2025

Arising Out of PS. Case No.-3 Year-2024 Thana- HUSSAINGANJ District- Siwan

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Shailesh Kumar Yadav @ Shailesh Kumar S/o Phulwari Yadav @ Phulwari
Yaday Resident of Village and P.O. - Habibnagar, P.S. - Hussainganj, District
- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 29-04-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Hussainganj P.S. Case No. 03 of 2024 instituted for the
offences under Sections 392, 302 of the I.P.C. and Section 27 of
the Arms Act.

3. As per prosecution case, some unknown miscreants
killed the Informant's brother for money. As per allegation, the
petitioner is alleged to be involved in the murder of the
deceased.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case



merely on the basis of suspicion. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of the statement of the co-accused recorded before the police which has no evidentiary value in the eye of law. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The specific allegation of firing is against the co-accused Sonu Kumar. The petitioner has no concern with the alleged occurrence. There is no eye-witness or independent witness in the present case. The petitioner has one criminal antecedent and is languishing in judicial custody since 19.02.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Vishwas Kumar Yadav @ Vishwas Yadav and Sahib Ali have already been granted bail by a Co-ordinate Bench of this Court vide orders both dated 21.04.2025 passed in Cr. Misc. Nos. 18362 of 2025 & 79399 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature.

7. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case, the period of custody of the petitioner as also the prayer for bail being based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Hussainganj P.S. Case No. 03 of 2024.

(Rudra Prakash Mishra, J)

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