

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9385 of 2025

Arising Out of PS. Case No.-337 Year-2024 Thana- BAIRIYA District- West Champaran

1. Hari Shankar Yadav S/O Late Timal Yadav R/O Village- Laukariya, P.S-
Bairiya, District- West Champaran
2. Vikash Kumar S/O Hari Shankar Yadav R/O Village- Laukariya, P.S-
Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 16-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Bairiya
P.S. Case No. 337 of 2024 dated 05.10.2024, instituted for the
offence punishable under Sections 109, 351(3), 3(5) of the
B.N.S., 2023 and Section 27 of the Arms Act.

3. The prosecution case, in short, is that the informant
had gone towards pond where he saw the petitioner along with
other co-accused fishing from his personal pond and when he
objected, they started abusing and assaulting. Thereafter the
accused persons started pelting stone and bricks and
Harishankar Yadav (petitioner no. 1) and Vikash Yadav



(petitioner no. 2) brought country made gun from their house and fired upon them, due to which, mother, daughter and younger brother of the informant got injured.

4. Learned counsel for the petitioner submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that there is specific allegation against the petitioner who fired at the informant's side due to which four persons received grievous injury and was admitted to Primary Health Center, Bairiya and on the next day, FIR has been lodged against accused persons. It is further submitted that the FIR was not lodged at the time of so-called treatment. The injury report has been prepared in connivance with the doctor of the said hospital. The FIR has been lodged on 05.10.2024 at 06:30 am. There is a case and counter case between the parties. Learned counsel further submitted that petitioners' side also received injuries although the said injuries are simple in nature. Lastly, it has been submitted that the petitioners are in custody since 06.10.2024 having no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. vehemently opposed the prayer for bail of the petitioners and submitted that there is a specific allegation against both the petitioners of firing upon the



informant’s side due to which four persons were injured. All the injuries received by informant’s side are grievous in nature caused by fire arm. It is further submitted that injured persons have been examined under Section 180 of the B.N.S. where they supported the case of prosecution.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, I am not inclined to grant bail to the petitioners at this stage.

7. Accordingly, the prayer for bail of the petitioners is hereby rejected.

8. However, the petitioner is at liberty to renew his prayer for bail after framing of charge.

(Khatim Reza, J)

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