

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9276 of 2025

Arising Out of PS. Case No.-937 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Prince Kumar Son of Sushil Yadav @ Sunil Yadav @ Susil Yadav Resident of
Village - Shahpur, P.S. - Saharsa, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Saharsa Sadar PS Case No.937 of 2024 dated 06.09.2024, instituted under Sections 191(2), 191(3), 190, 115(2), 126(2), 109 and 352 of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. The prosecution case in short is that on 06-09-2024 while the informant was working at Anwar Chicken shop in Kachehay chowk, it is alleged that Sanoj Yadav, Prince Kumar (petitioner), Nitish Kumar, Nepali, and 6-7 others persons demanded chicken at a lower price. When the informant refused, they left, but returned after ten minutes and assaulted the informant. It is further alleged that co-accused, Prince Kumar,



brandished a weapon and co-accused, Sanoj Yadav shot him, causing injury to his little finger. When the informant tried to escape, they made firing and assaulting him near Sony Medical, even using a chair. Locals intervened and assailants fled while firing. He lost consciousness and was admitted to Saharsa Sadar Hospital for treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the main allegation of firing is specifically attributed to co-accused Sanoj Yadav, who allegedly fired at the informant, while no such allegation of firing has been made against the petitioner. It is further submitted that there is no arms or ammunition have been recovered from the possession or house of the petitioner. It is next submitted that only one fired cartridge was seized from the place of occurrence, which has been attributed to co-accused, Sanoj Yadav. Moreover, the matter has already been amicably settled between the parties outside the court and a petition seeking permission for compromise has been filed by the informant before the court concerned on 09-01-2025 Lastly, it is submitted that one criminal case is pending against him.

5. Learned APP has opposed the prayer for bail.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Saharsa, in Saharsa Sadar PS Case No.937 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation



of bail.

7. The application stands allowed.

(Khatim Reza, J)

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