

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16420 of 2025

Arising Out of PS. Case No.-317 Year-2024 Thana- HUSSAINGANJ District- Siwan

Nandkishor Yadav S/O Chhotelal Yadav R/O Vill.- Kutubchhapra, P.S-
Hussainganj, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 16501 of 2025

Arising Out of PS. Case No.-317 Year-2024 Thana- HUSSAINGANJ District- Siwan

Santosh Kumar Yadav @ Santosh Yadav S/o Kamaldeo Yadav R/o vill -
Gopalpur, P.S.- Hussainganj, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 16420 of 2025)
For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Damodar Prasad Tiwary
(In CRIMINAL MISCELLANEOUS No. 16501 of 2025)
For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Raj Ballabh Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. Both the cases arise out of the same case i.e.
Hussainganj P.S. Case No. 317 of 2024 and accordingly, the same are
being heard and disposed of together by this common order.

3. The petitioner, Nandkishore Yadav (in Cr. Misc. No.



16420 of 2024) the petitioner, Santosh Kumar Yadav @ Santosh Yadav (in Cr. Misc. No. 16501 of 2025) seek regular bail in a case registered for the offence punishable under Sections-103, 61(2) of B.N.S. and 27 of the Arms Act.

4. As per allegation, the deceased had land dispute with the petitioner, Santosh Yadav, co-accused Manoj Sharma and Uma Bharti. There was a dues of Rs. 18,00,000/- (Rs. eighteen lakhs) upon the accused persons to which, they were evading the payment to the deceased. The accused persons had threatened several times to eliminate the deceased. The informant saw seven named accused persons including the petitioner, Santosh Yadav at a tea stall near the State Bank of India. Later on, she got an information that accused persons had committed murder of the deceased.

5. Learned counsel for the petitioners has submitted that they are innocent and have falsely been implicated in this case. None has seen the occurrence and the petitioner Nandkishore Yadav is not named in the FIR. So far the petitioner Santosh Yadav is concerned, he is named in the FIR but at the time of occurrence, he was in Varanasi, Uttar Pradesh.

6. On the otherhand, Mr. J. N. Thakur, learned Additional Public Prosecutor has opposed the prayer for bail by submitting that the petitioner Nandkishore Yadav has confessed his guilt in paragraph-13 of the case diary in which he has admitted that he fired at the deceased and threw his pistol in a bush. He has stated that he



fired several times but due to mechanical defect, the bullet could not shot. Later on, the co-accused, Raja fired at the deceased, as a result of which, the deceased fell on the ground and died.

7. Paragraph-21 of the case diary shows that one pistol was recovered from a bush on the basis of disclosure made by the petitioner, Nandkishore Yadav. So far the petitioner, Santosh Kumar Yadav @ Santosh Kumar is concerned, he is named in the FIR and there is allegation that he and other accused persons had threatened the deceased and there was dispute between them for money transaction. The petitioner Nandkishore Yadav has confessed his guilt and a pistol was recovered from a bush on the basis of his disclosure made before the investigating officer.

8. Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioners and accordingly, the same is *rejected*.

(Nawneet Kumar Pandey, J)

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