

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18647 of 2025

Arising Out of PS. Case No.-102 Year-2024 Thana- SAKATPUR District- Darbhanga

Vivek Kumar Yadav @ Vivek Yadav Son of Ravindra Yadav @ Ravindra
Kumar Yadav Village- Bahuarwa, P.S.- Manigachhi, District- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Y.C. Verma, Sr. Advocate Mr.Jitendra Kumar Bharti, Advocate
For the Opposite Party/s :		Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 14-10-2025 Heard Mr. Yogesh Chandra Verma, learned senior

counsel appearing on behalf of the petitioner and learned

A.P.P. for the State.

2. The accused/petitioner seeks bail in connection
with Sakatpur P.S. Case No. 102 of 2024 registered for the
offences under Sections 191(2), 191(3), 190, 126(2), 115,
352, 109 of the Bhartiya Nyay Sanhita, 2023 (in short, the
'B.N.S.') and section 27 of the Arms Act.

3. The accused/petitioner is named in the First
Information Report and is in custody since 15.12.2024.

4. As per FIR, petitioner caused gunshot injury on
the back of the informant/injured along with other accused



persons. Occurrence alleged to be arisen out of protest by the informant, while petitioner alongwith other accused persons were abusing to the informant.

5. It is submitted by Mr. Yogesh Chandra Verma, learned senior counsel appearing on behalf of the petitioner that no motive appears assigned for the present occurrence out of FIR. It is submitted that merely on the basis of suspicion, the name of petitioner was implicated with the present occurrence *qua* specific allegation that gunshot injury was caused by him on the shoulder of the informant.

6. It is pointed out Mr. Verma that informant was running away and, therefore, there was no occasion to see the person actually fired upon him.

7. While concluding argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is already completed, charge-sheet has already been submitted and as such, there is no chance of tampering with the evidence.

8. Arguing further, it is submitted by Mr. Verma, that in this matter charge was framed by the learned trial



court on 08.07.2025 only and, thereafter, not even a single prosecution witness was examined suggesting *prima facie* that trial of this case is not likely to conclude in near future.

9. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

10. In view of aforesaid factual submission and by taking note of the fact as FIR *prima facie* suggests that firing was made from back, where on the basis of suspicion as petitioner was found in possession of country made pistol, named specifically to cause said gunshot injury, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 15.12.2024, and, moreover, not even a single prosecution witness was examined in this case till now which suggest that trial of this case is not likely to conclude in near future, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1, Darbhanga/concerned court, in connection with Sakatpur P.S.



Case No. 102 of 2024 corresponding to G.R. No. 3929/2024,
subject to the condition as laid down under Section 437(3)
Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha
Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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