

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18108 of 2025

Arising Out of PS. Case No.-232 Year-2022 Thana- BAIRIYA District- West Champaran

Pradeep Yadav @ Amit Yadav @ Amit Kumar Son of Madan Yadav Resident
of Village - West Kargahia, Jamadar Tola, P.S. - Kalibagh, District - West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Jainendra Kumar Pushkar, Adv.
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Aditya Nath Jha, Adv.

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

ORAL ORDER

4 25-06-2025 Heard learned counsel for the petitioner and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with Bairiya
P.S. Case No. 232 of 2022 instituted for the offences under
Sections 341, 323, 324, 307, 302, 120B/34 of the Indian Penal
Code.

3. The petitioner has earlier moved before this Hon'ble
Court with a prayer for anticipatory bail which was rejected vide
order dated 14.03.2023 passed in Cr. Misc. No. 71262 of 2022.

4. As per prosecution case, co-accused Aarif Mian
went to the house of the informant and took informant's son and



brother along with him. The son of the informant returned in injured condition and fell near the house of one Raju's maternal aunt. The son of the informant told him that the co-accused Bhola Kumar and the petitioner stabbed him with knife and they also stabbed the informant's brother. The son of the informant was admitted to hospital for treatment while the informant's brother died at the spot.

5. 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 due to dirty village politics. The petitioner has not committed any offence as alleged in the F.I.R. Learned counsel for the petitioner submits that there is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner is merely named in the F.I.R. He submits the co-accused Bhola Kumar was apprehended by the police and has confessed that he stabbed the deceased by means of knife. In the aforesaid confessional statement of the co-accused Bhola Kumar, there is no role of the petitioner at all in any manner whatsoever. The petitioner is merely the friend of the co-accused Bhola Kumar. He further submits that the Informant is not the eye-witness to the alleged



occurrence. The petitioner has two criminal antecedents out of which in one of them, he is on bail and in another, he has been acquitted as has been stated in Para3 of the present bail petition and is languishing in judicial custody since 17.01.2025 without any rhymes or reason. Learned counsel for the petitioner submits that the co-accused Bhola Kumar has already been granted regular bail by a Co-ordinate Bench of this Court vide order dated 05.09.2023 passed in Cr. App. (SJ) No. 604 of 2023.

6. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. In the further stated that two persons injured in the alleged occurrence, one is died and another is seriously injured as has been stated by the injured Mustaque, contained in Para-45 of the case diary. The Investigating Officer, after completion of investigation, has submitted charge-sheet under Sections 341, 323, 324, 320, 307, 302, 34 of the Indian Penal Code. The postmortem report supports the prosecution case. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

7. Having heard learned counsel for the parties and considering the nature and gravity of the offence alleged, this



Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of six months from today. If the trial is not concluded within the aforesaid period of six months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be decided on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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