

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 24557 of 2025

Arising Out of PS. Case No.-108 Year-2024 Thana- KHIRI MORE District- Patna

1. Aditya Kumar S/O Mahendra Yadav Resident of Village-Mahuari, P.S-Khirimore, District-Patna.
2. Wakil Yadav S/O Late Shivpujan Yadav, Resident of Village-Mahuari, P.S-Khirimore, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar.

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mr. Nand Kishore, Advocate
Mr. Ritwik Thakur, Advocate
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 24-07-2025 Heard learned counsel appearing on behalf of the

petitioners and learned APP appearing on behalf of the State.

2. The petitioners seek bail in connection with Khiri More

P.S. Case No. 108 of 2024 registered for the offence under

Sections 302, 201, 120(B), 341 of the Indian Penal Code and

Section 27 of the Arms Act.

3. The both abovenamed accused/petitioners are not

named in the F.I.R. and are in custody since 17.10.2024.

4. As per FIR, the husband of the informant was shot

dead at about 9:00 PM on 24.05.2024 by unknown persons while

he was returning to home from Reganiya Dih Balu Ghat.

5. Mr. Ajay Kumar Thakur, learned Counsel appearing

on behalf of the petitioners submitted that the name of both



petitioners transpired on the basis of confessional statement of apprehended co-accused namely, Dhilu Yadav, in furtherance of which no incriminating material appears recovered/surfaced during course of investigation as to connect both abovenamed petitioners with present crime in question. It is submitted that save and except suspicion arising out of confessional statement, nothing incriminating appears during investigation against petitioners. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. It is pointed out that similarly situated co-accused, namely, Ashok Yadav was granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 31247 of 2025 dated 21.05.2025 and, therefore, the petitioners deserve parity. While concluding argument, it is pointed out that petitioner no. 1 found involved in one more criminal case, where he is on bail and petitioner no. 2 found involved in five more criminal cases, where he is on bail.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid facts and circumstances and by taking note of fact as save and except suspicion, arising out of confessional statement of co-accused *prima facie* nothing



appears to connect petitioners with present crime in question, coupled with the fact that both petitioners are in custody since 17.10.2024, accordingly, both above named petitioners, are directed to be released on bail in connection with Khiri More P.S. Case No. 108 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur at Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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