

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21265 of 2025

Arising Out of PS. Case No.-143 Year-2024 Thana- JADIA District- Supaul

Pappu Kumar Himanshu Son of Late Ghanshyam Prasad Yadav Resident of
Jadiya, P.S.- Jadiya, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Harish Kumar, Advocate
For the Informant	:	Mrs. Pratibha Srivastava, Advocate
For the State	:	Mrs. Renuka Ratnakar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 20-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 103 (1), 351 (3) & 3 (5)
of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the
Arms Act.

3. The allegation in the first information report is
that the informant's son, who had gone half kilometer West of
his house, was shot at by five named accused persons and four
unknown persons due to which the informant's son died on the
spot.

4. It is submitted by learned counsel for the
petitioner that from bare perusal of the first information report



it would be clear that informant himself is not an eye witness to the occurrence and the last line of the F.I.R. reveals why the petitioner and others have been named in the first information report as there is averment that the five accused persons used to abuse the deceased and also used to threaten him. It is further submitted that during the entire course of investigation not a single person has been examined as an eye witness on account of the occurrence. There is not even a single witness who has supported the fact that the petitioner was seen somewhere in the vicinity or even last seen in the company of the deceased. It is further submitted that the petitioner, who is the brother of the deceased, has been made accused in this case as there is a dispute with regard to property within the family and, merely on suspicion, there is an allegation that some threat was earlier given to the deceased. It is further submitted that the petitioner has also lodged an F.I.R. against the informant and his son, which has been brought on record by way of Annexure-P/3 and due to this the petitioner has also been made accused in the present case. The petitioner has no criminal antecedent and has been languishing in custody since 21.10.2024.

5. Learned APP for the State and learned counsel for the informant vehemently opposed the bail petition.



Learned counsel for the informant referring to paragraphs-26, 27 and 28 of the case diary submitted that there is involvement of the petitioner in the said occurrence. Hence, the petitioner does not deserve bail. However, the said paragraphs contain statements of witnesses giving a hearsay account of the occurrence.

6. Taking into consideration the facts and circumstances of the case as well as the fact that there is no direct evidence of the involvement of the petitioner in this case and also the fact that there is enmity, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Jadiya P.S. Case No.143 of 2024, subject to the conditions that :

(i) One of the bailors will be his own close relative/ family members.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(iii) The petitioner shall remain physically present in court on each and every date during the trial till the charges are framed and in the event of failure on two consecutive dates



without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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