

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25773 of 2025

Arising Out of PS. Case No.-239 Year-2024 Thana- CHHATAPUR District- Supaul

Mukesh Yadav Son of Late Parmeshwari Yadav @ Sajjan Yadav Resident of
Village - Datua, Ward No.- 10, Police Station - Jadia, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner as well as the
counsel appearing for the respondent-State.

2. It is the first regular bail application submitted by the petitioner who has been arrested in connection with Chhatapur P.S. Case No. 239 of 2024 for the alleged offences punishable under Section 191(2), 191(3), 329(4), 126(2), 115(2), 118(1), 118(2), 109(1), 127(2), 103(1), 305(a) of Bharatiya Nyaya Sanhita (BNS) and 27 of Arms Act.

3. According to the case of prosecution, on the date of incident i.e. 23.07.2024 at about 06:00 P.M. the present applicant along with 21 other accused persons being armed with weapon reached the house of Pramod Yadav. There they assailed Pramod Yadav as well as his brother-in-law Ram Kumar Yadav allegedly, the present applicant and other co-accused Kameshwar Yadav fired the gun shot on Pramod Yadav due to which he sustained injuries in his



arm. It is further alleged that at that time when the brother-in-law of Pramod Yadav namely Ram Kumar Yadav came to rescue him, the co-accused Arvind Yadav assailed him and fired from the pistol due to which he died on spot. It was further alleged that the accused persons also looted Rs. 2 lakhs and some ornaments from the house of Pramod Yadav. On the basis of complaint made by one Vidyanand Yadav the FIR has been registered, during the course of investigation the present application was arrested on 25.07.2024.

4. It is submitted by the counsel for the petitioner that the petitioner is innocent and is falsely implicated in this case. He further submits that only allegations against this petitioner is that he along with one Kameshwar Yadav fired upon Pramod Yadav who sustained injuries on his left arm. The main allegation is against the co-accused Arvind Yadav who fired at the deceased Ram Kumar Yadav and due to that he died on spot. He further submits that there are seven previous antecedent of the applicant but they are all of the years of 2004 and one is of the year of 2018. Lastly, he submits that the co-accused Kameshwar Yadav upon whom the same allegation has been made in the FIR had already been granted benefit of bail by the Co-ordinate Bench of this Court vide Order dated 04.04.2024 passed in Cr. Misc. No. 1673 of 2025. The charge-sheet has also been filed. Therefore, it is prayed that on these grounds the petitioner may be granted the benefit of bail.

5. Learned counsel appearing on behalf of respondent-



State opposes the prayer of bail and submits that considering the gravity of the offence, the petitioner is not entitled to get the bail.

6. Considering the submission put forth by both the counsels and particularly considering the fact that the co-accused Kameshwar Yadav against whom the similar allegation has been made in the FIR is granted benefit of bail by the Co-ordinate Bench of this Court. I am of the view that the present applicant should also be granted the benefit of bail. Accordingly, the petition is allowed. The petitioner is directed to be released on bail in connection with Chhatapur P.S. Case No. 239 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties to the like amount each to the satisfaction of the learned District & Additional Sessions Judge – IV, Supaul.

(Arvind Singh Chandel , J)

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