

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28090 of 2025

Arising Out of PS. Case No.-216 Year-2024 Thana- SALAKHUA District- Saharsa

Lakhan Yadav S/O Late Bindeshwari Yadav Resident of Village- Gaushpur,
P.S- Salkhua, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh, Adv
For the Opposite Party/s : Mr. Ram Anurag Singh, APP
For the Informant : Mr. Abhisek, Adv

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 22-08-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Salkhua

P.S. Case No. 216 of 2024 registered for the offences under

Sections 126(2), 191(2), 191(3), 190, 115(2), 118(1), 303(2),

103(1), 352 and 351(2) of the Bharatiya Nyaya Sanhita &

Section 27 of the Arms Act.

3. The petitioner is named in the F.I.R. and is in custody

since 24.09.2024.

4. The allegation against the petitioner is to commit

murder of elder brother of informant due to previous enmity

arising out of payment of Rs. 1,000/- related with purchase of

grocery items.

5. Learned counsel appearing on behalf of the petitioner



submitted that from the bare perusal of FIR, where informant is the eye-witness of the occurrence, maximum allegation against petitioner is only of order giver. It is pointed out that allegation of firing is specifically available against co-accused Ajeet Kumar. It is pointed out that as son of this petitioner is one of the close friend and associate of main co-accused Ajeet, who also implicated as co-accused Gaurav Kumar, for the same reason petitioner implicated in the present case only being father. It is also submitted that this matter is still pending for examination of prosecution witnesses, where trial is not likely to conclude in the near further. It is submitted that petitioner is a man of clean antecedent. While concluding the argument it is submitted that investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel appearing on behalf of the informant while opposing the prayer for bail submitted that petitioner actively participated in the occurrence and he is order giver. However he could not dispute other factual submissions as advanced by learned counsel for the petitioner.

7. In view of aforesaid factual submission and by taking note of nature of accusations as per FIR, coupled with the fact as



petitioner remains in custody since 24.09.2024, being a man of clean antecedent and as trial of this case is not likely to conclude in the near future, accordingly above named petitioner, is directed to be released on bail in connection with Salkhua P.S. Case No. 216 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saharsa/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S. with further conditions:-

- (i) If petitioner made any deliberate attempt to delay trial, State/informant shall be at liberty to press petition before the learned Trial Court for cancellation of bail bond of petitioner by learned Trial Court, itself, which shall be decided by learned Trial Court, in accordance with law after giving fair opportunity to petitioner.
- (ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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