

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.26448 of 2025

Arising out of PS. Case No.-174 Year-2024 Thana- DHANAHA District- West Champaran

Makhan Yadav @ Rajshekhar Yadav, S/o Vinod Yadav R/o Village- Ramkola Kasba, PS- Ramkola, District- Kushinagar UP.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28018 of 2025

Arising Out of PS. Case No.-174 Year-2024 Thana- DHANAHA District- West Champaran

Vikash Singh @ Vivek Singh @ Vikash Kumar Singh @ Vivek Son of Ghanshyam Singh Resident of village - Ramkola, Ward No.- 21, Police Station - Ramkola, District - Kushinagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 26448 of 2025)

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate  
Mr. Rakesh Kumar Sharma, Advocate  
Mr. Mayank Raj, Advocate  
Mr. Ravinder Kumar, Advocate

For the Informant : Mr. Vishwajeet Mishra, Advocate

For the State : Mr. Mohammad Sufyan, APP

(In CRIMINAL MISCELLANEOUS No. 28018 of 2025)

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate

For the Informant : Mr. Vishwajeet Mishra, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY  
ORAL ORDER

2      15-05-2025                      Heard Mr. Ramakant Sharma, learned senior counsel  
  
for the petitioners, learned counsel for the informant and learned  
  
Additional Public Prosecutor for the state.

2. The petitioners seek bail in connection with



Dhanaha P.S. Case No. 174 of 2024 instituted for the offences under Sections 103(1) and 3(5) of BNS and Section 27 of the Arms Act. Petitioner namely Makhan Yadav @ Rajshekhar Yadav of Cr. Misc. No. 26448 of 2025 have three criminal antecedents, i.e., (i) Ramkola P.S. Case No. 237 of 2021 instituted under Sections 323, 504, 506 IPC in which he is on bail (ii) Ramkola P.S. Case No. 263 of 2016 under Sections 147, 323, 504, 506, 452, 427 and 336 IPC and (iii) Ravindranagar Dhush P.S. Case No. 88 of 2024 under Sections 147, 323, 504, 506 IPC and in these two cases final form has been submitted and petitioner namely Vikash Singh @ Vivek Singh @ Vikash Kumar Singh @ Vivek of Cr. Misc. No. 28018 of 2025 has one criminal antecedent, i.e., Dhanaha P.S. Case No. 179 of 2024 instituted for the offences under Sections 25(1-b)a, 26 and 35 of the Arms Act, in which he is on bail.

3. The prosecution case is to the effect that the informant's husband namely Vaibhav Kumar Rai had gone to Tamkuhwa Bazar and in the evening some unknown miscreants have killed him by shooting on his head. Further, it is alleged that prior to the date of occurrence on the same day some person met him and among those one Govind Madhesiya with whom there was some talk with regard to exchange of money which



was going on and had sought for legal action.

4. Mr. Ramakant Sharma, learned senior counsel for the petitioners has submitted that petitioners are not named in the FIR and their name has surfaced in the confessional statement of one Durgesh Yadav and the petitioners were instrumental in introducing the shooter Durgesh Yadav. It is further submitted by learned senior counsel that there is no specific overt act against the petitioners. Learned senior counsel has also pointed out that the petitioner namely Makhan Yadav @ Rajshekhar Yadav has three criminal antecedents but he is on bail in one of the case and in other two cases final form has been submitted. It is also submitted by learned senior counsel that the petitioner namely Makhan Yadav is in custody since 05.01.2025 and the petitioner namely Vikash Singh @ Vivek Singh @ Vikash Kumar Singh @ Vivek is in custody since 29.10.2024.

5. Learned counsel for the informant has submitted that during the course of investigation it has come that it was the petitioners who lined up to shoot and had introduced to Durgesh Yadav and ultimately the husband of the informant was killed. It is further submitted by learned counsel for the informant that it was a pre-planned murder on account of such conspiracy in which the petitioners had participated. It is also submitted by



learned counsel for the informant that it was the petitioner namely Vikash Singh @ Vivek Singh @ Vikash Kumar Singh @ Vivek who had handled the killing of the husband of the informant and lined up the shooter, Durgesh Yadav in connivance and with the help of other co-accused persons and he was apprehended with cash of Rs. 1,00,000/-, as such, they should not be released on bail. Learned Additional Public Prosecutor for the State has supported the submission made on behalf of the informant.

6. Considering the aforesaid submissions of learned counsel and taking into account that the allegation against the petitioners is of introducing the said Durgesh Yadav who is the shooter and apart from the same there is no specific allegation of overt act against the petitioners and they are in custody since 05.01.2025/29.10.2024, the petitioners above named, are directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, 1<sup>st</sup> Class, Bagaha, West Champaran in connection with Dhanaha P.S. Case No. 174 of 2024, subject to the the following conditions:-

(i) One of the bailors will be a



close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioners except above-mentioned cases and in case at any stage it is found that the petitioners have concealed his criminal antecedent except these cases, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. In view of the antecedents of the petitioners, the petitioners are directed to appear before the Superintendent



of Police, West Champaran within fifteen days of their release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioners will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioners before the court concerned.

**(Sourendra Pandey, J)**

Vikash/-

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