

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34457 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- BANNUBAGICHA District- Lakhisarai

Uday Yadav S/O Arjun Yadav R/o Lakhochak, P.s.- Kiul, Dist.- Lakhisarai

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Amit Kumar Pandey, Advocate Mr. Rakesh Kumar, Advocate Ms. Ankita Kumari, Advocate
For the Opposite Party/s	:	Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 08-12-2025 Heard learned counsel appearing on
behalf of the petitioner and learned A.P.P. for the
State.

2. The accused/petitioner seeks bail in connection with Bannubagicha P.S. Case No. 12 of 2025 registered for the offences under Sections 137, 140(3) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. The accused/petitioner is named in the First Information Report and is in custody since 01.03.2025.

4. As per FIR, son of the informant and his friend was found missing since 18.02.2025 when



he left home on pretext of visiting nearby village fair.

5. It is submitted by learned counsel appearing on behalf of the petitioner that name of the petitioner transpired during course of investigation on the basis of confessional statement of co-accused Neeraj Kumar @ Bhuteli and also on the basis of his self-confession, in furtherance of which, no incriminating material recovered/surfaced during course of investigation as to connect the petitioner with the present crime in question.

6. It is submitted that during course of investigation even country made pistol which alleged to be used in committing murder was recovered on the basis of confessional statement of co-accused Neeraj Kumar @ Bhuteli and the mobile phone of deceased was recovered on the basis of confessional statement of Bhikku Kumar.

7. Explaining criminal antecedent of the petitioner, it is submitted that petitioner found



involved in one similar kind of offence longback in year 2009, where, after facing trial, he was acquitted and in rest of five cases, he is on bail, which are of different nature.

8. It is submitted that if the merit of the case otherwise convincing in favour of accused/petitioner, merely on the ground of criminal antecedents, the prayer of bail should not be rejected. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648**.

9. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

10. In view of aforesaid factual submission and by taking note of the fact as save and except suspicion arising out of confessional statement of co-accused and also of self-confession, prima-facie nothing incriminating surfaced during investigation as to connect the



petitioner with present crime in question, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 01.03.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-III, Lakhisarai/concerned court, in connection with Bannubagicha P.S. Case No. 12 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J)

Rajeev/-

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