

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38390 of 2025**

Arising Out of PS. Case No.-539 Year-2024 Thana- ARARIA District- Araria

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1. Nishant Yadav @ Chhotu Kumar, S/o Jagdish Yadav @ Jagdish Prasad Yadav, R/o Bagnagar, Ward no -02, P.S -Mahalgaon (Jokihat), Distt.- Araria
  2. Sonu Kumar, Son of Jageshwar Mandal, R/o Bagnagar , Ward no -02 , P.S -Mahalgaon (Jokihat), Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                            |                                 |
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| For the Petitioner/s :     | Mr. N.K. Agarwal, Sr. Advocate  |
|                            | Mr. Madhav Jha, Advocate        |
|                            | Mr. Nishant Choudhary, Advocate |
| For the Opposite Party/s : | Mr.Md. Nazir Ansari, APP        |

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**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
**ORAL ORDER**

7      02-12-2025                      Heard Mr. Madhav Jha, learned counsel for the petitioners and Mr. Md. Nazir Ansari, learned APP for the State.

2. The petitioners have prayed for bail in connection with Araria P.S. Case No. 539 of 2024 registered for the offence punishable under Sections 103(1) and 3(5) of B.N.S. and Section 27 of the Arms Act.

3. The case of the prosecution, in short, is that the informant got an information that his brother has been shot dead by unknown persons.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this case. The F.I.R. was lodged against unknown miscreants. During



course of investigation in para-2 of the supplementary diary, it is clear that two persons, namely, Prince Kumar @ Pital Yadav and Md. Sahil Alam were apprehended. They confessed their guilt and involvement in the occurrence. They also named their associates after going through the C.C.T.V. footage, C.D.R. and A.C.D.R. namely, Sonu Kumar, Nishant Kumar, Aryan Kumar and Deva Kumar. It has further been submitted that from perusal of the para-10 of the supplementary diary, it is clear that the house of Nishant Kumar was raided by the police and from his house, Sonu Kumar, Deva Kumar and Aryan Kumar were apprehended. The petitioners have disclosed that the bike used in the occurrence is standing the *veranda* of R.T.P.S. premises. After that, the bike was seized from that *varanda*. The seizure list of the said bike is not available in the diary, however, the confessional statement of petitioner no.1 Nishant Kumar @ Chhotu Yadav is there. From perusal of the confessional statement, it is clear that Deva Kumar, Sahil and Aryan went into the Ganpat Medical Store. Prince and Sonu were on the bike and they have kept the bike in start position. They heard the sound of firing. Sahil disclosed that he has fired at Deepak Kumar. Learned counsel for the petitioners has also submitted that even from the confessional statement of the petitioner no. 1, it is clear that he is not the assailant. It has also been submitted by learned counsel for the petitioners that learned



Co-ordinate Bench has granted bail to the similarly situated accused persons, namely, Deva Kumar and Md. Sahil Alam vide Cr. Misc. No. 19777 of 2025 and 61031 of 2025. It has been submitted that the case of these petitioners is on better footing than that of Md. Sahil Alam. Petitioners are having no criminal antecedent and they are languishing in judicial custody since 23.10.2024.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria in connection with Araria P.S. Case No.539 of 2024.

**(Ashok Kumar Pandey, J)**

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