

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50118 of 2025

Arising Out of PS. Case No.-369 Year-2024 Thana- MAHISHI District- Saharsa

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1. Bhagwat Yadav S/o Late Lakhan Yadav R/o Ward No. 7, Bhaghwa, P.S-
Mahesi, District- Saharsa
 2. Ankit Kumar S/o Ramnandan Yadav R/o Ward No. 7, Bhaghwa, P.S-
Mahesi, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rana Vikram Singh, Advocate Ms.Jyoti Singh, Advocate
For the State	:	Mr.Jitendra Kumar Singh, APP
For the informant	:	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2025 Heard Mr. Rana Vikram Singh duly assisted by Ms.

Jyoti Singh, learned counsel for the petitioners and Mr. Ashok

Kumar representing the informant beside Mr. Jitendra Kumar

Singh, learned APP for the State.

2. The petitioners are in judicial custody in connection

with Mahishi P.S. Case No. 369 of 2024 for the offence

punishable under Sections 191(2), 126(2), 115(2), 118(1), 109,

324(6), 3(5) of the BNS Act, 2023 and section 27 of the Arms

Act lodged on 14.12.2024 by the informant, Rohit Yadav.

3. As per the prosecution story, the informant alleged

that at around 12:00 PM, when the informant alongwith his

uncle Bilash Yadav went to check the maize crop sown in the



field, the accused persons armed variously came and allegation is that the petitioner no.1 Bhagwat Yadav alongwith Ram Chandra Yadav chased the informant side, as they reached near home, allegation is that Sanjay Yadav, Dasrath Yadav opened fire causing injury to Indal Yadav in his hand, Shankar Yadav also opened fire while Parmanand Yadav gave 'Kudal' blow to Bilash Yadav who according the learned counsel is now dead. Further, Ramadhar Yadav was assaulted by Ramanand Yadav and Dheeraj Yadav while Rupesh Yadav was also assaulted by Ramchandra Yadav. This led to the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that specific allegation/act has been attributed to the named accused. So far as petitioner no.1, Bhagwat Yadav is concerned, only allegation against is that he chased the informant/relative to his home whereas there is no allegation against the petitioner no.2 Ankit Kumar who only because of a student of 19 years, got implicated.

5. Learned counsel for the informant on the other hand submits that all of them variously armed came and the assault led to unfortunate death of Bilash Yadav.

6. Taking into account the submissions of the parties as also the fact that though the sad story of death of a person is



on record, so far as these petitioners are concerned, no act has been attributed to them, in fact, name of petitioner no.2 only got incorporated in the FIR, no any role assigned to them, they are in custody since 24.02.2025, this Court is inclined to extend them the privilege of bail with conditions.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Saharsa, in connection with Mahishi P.S. Case No. 369 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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