

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48971 of 2025

Arising Out of PS. Case No.-137 Year-2025 Thana- ARA NAGAR District- Bhojpur

1. Vikash @ Manish Son of Vishnudayal Yadav Resident of village - Paiga, P.S.- Barhara, District - Bhojpur.
2. Chandan Yadav @ Chandan Kumar @ Chandan Kumar Yadav Son of Vishnudayal Yadav Resident of village - Paiga, P.S.- Barhara, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party/s : Mr. Surendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 24-09-2025 Heard learned counsel for the petitioners, learned
APP for the State and perused the case diary.

2. The petitioners seek bail in connection with Ara Town P.S. Case No. 137 of 2025, instituted for the offences punishable under Sections 109, 61(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. The prosecution case, in short, is that brother of the informant went out of the house but did not return. The informant got an information that his brother is lying near Airport in pool of blood. Thereafter, the informant went there and found that his brother has sustained gunshot injuries and later on he was rushed to the hospital.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material have been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that the petitioners are not named in the FIR. Name of the petitioners have transpired in this case only on the basis of suspicion raised by the informant. It is next submitted that there is delay of three days in lodging the FIR. No specific allegation has been attributed against the petitioners rather the same is general and omnibus in nature. The petitioners are in custody since 12.03.2025 and have got two criminal antecedents in which both of them are on bail. Learned counsel for the petitioners further submits that other co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 10.09.2025 passed in Cr. Misc. No. 44799 of 2025.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners and submits that the witnesses have supported the prosecution case in paragraph nos. 5, 6, 6(A) and 7 of the case diary. Petitioner no. 1 in paragraph no. 21 and petitioner no. 2 in paragraph 28 of the case diary have admitted their involvement. It is further submitted that specific allegation of firing is against petitioner no. 2, namely,



Chandan Yadav. Hence, the petitioners do not deserve the privilege of bail.

6. Having considered the rival submissions made behalf of the parties, taking into account the specific allegation against petitioner no. 2, this Court is not inclined to grant bail to petitioner no. 2. So far as remaining petitioner, i.e. petitioner no. 1 is concerned, this Court is inclined to grant bail to petitioner no. 1.

7. Accordingly, the prayer for grant of bail to petitioner no. 2, namely, Chandan Yadav, is hereby, **rejected**.

8. So far as petitioner no. 1 is concerned, considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner no. 1.

9. Let the petitioner no. 1 be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ara Town P.S. Case No. 137 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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