

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49722 of 2025

Arising Out of PS. Case No.-67 Year-2025 Thana- MAHISHI District- Saharsa

1. Hardeo Yadav S/o Shri Saryug Yadav R/o Village3- Kothiya, P.S.- Mahishi, District- Saharsa
2. Sanoj Yadav S/o Shri Sikendra Yadav R/o Village- Tilathi, P.S.- Kanariya, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 15-11-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Mahishi P.S. Case No. 67 of 2025 dated 03.03.2025 registered for the offences punishable u/ss 103(1), 61(2) read with Section 3(5) of the B.N.S. and Section 27 of the Arms Act.

3. As per the prosecution case, on 02.03.2025, when the informant's son had gone to Village Darhar to attend a marriage function of his friend. While the informant's son was returning to home on 03.03.2025, he was shot dead. It is further alleged that the informant's son was residing at his maternal home at village Kothiya where he used to talk on phone with Seema Devi who is



the second wife of the co-accused, Boua Yadav @ Babu Saheb, due to the aforesaid reason, the petitioners and the co-accused persons had threatened to kill the informant if he would talk to Seema Devi. It is further alleged that the petitioners and the co-accused persons surrounded the informant's son and the co-accused, Boua Yadav @ Babu Saheb and Manoj Yadav shot him dead.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. Learned counsel has further submitted that from perusal of the confessional statements of the petitioners as stated in para nos. 22 and 26 of the case diary, the specific allegation of firing on the informant's son is against the co-accused, Baua Yadav and Badri Yadav. The petitioners have no concern with the alleged offence. The petitioner no. 1 has one criminal antecedent whereas the petitioner no. 2 has no criminal antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 05.03.2025.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioners and submitted that the petitioners and the co-accused persons are involved in the commission of murder of the informant's son. As per the post-mortem report of the deceased,



the cause of death is cardiopulmonary failure due to internal & external bleeding and damage to vital organ i.e. lungs as a result of firearms.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Saharsa in connection with Mahishi P.S. Case No. 67 of 2025 with the condition :-

(i) The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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