

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47166 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- KUSHESHWARASTHAN District-
Darbhanga

Heera Yadav S/o Lalu Yadav R/o Village- Bahera, P.S.-Kusheshwarasthan,
District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D. K. Sinha, Sr. Adv. Mr. Girish Chandra Jha, Adv. Mr. Ashish, Adv.
For the State	:	Mr. Pranav Kumar, APP
For the Informant	:	Mr. Nilendu Kr. Choudhary, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-09-2025 Heard learned senior counsel for the petitioner and

learned APP for the State as well as learned counsel for the

informant.

2. In the present case, the petitioner seeks bail in
connection with Kusheshwar Asthan P.S. Case No. 21 of 2025
registered for the offences under Section 103 of the BNS and
Section 27 of the Arms Act.

3. As per prosecution case, the brother of the
informant was shot dead by unknown miscreants. The informant
showed his suspicion that co-accused Ramchandra Paswan,
Ganga Prasad Yadav, Shiv Dhari Yadav and Pappu Yadav were
involved in killing of his brother.

4. Learned senior counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been named in this case on the basis of confessional statement of co-accused Rajan Kumar and except for that confessional statement, no other material has come on record to show the complicity of the petitioner with the offence as alleged. Learned senior counsel further submits that even during investigation nothing has come on record about the involvement of the petitioner. The lady, who had been accompanying the deceased, has also not named any person for shooting the brother of the informant. Co-accused Shambhu Kumar Choudhary has been granted bail by a Co-ordinate Bench of this Court vide order dated 03.09.2025 passed in Cr. Misc. No. 42697 of 2025. Petitioner is in custody since 25.03.2025 and charge-sheet has been submitted. Petitioner is having antecedent of 4 cases in which he is on bail.

5. Learned A.P.P. as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the name of the petitioner first transpired in the confessional statement of co-accused Rajan Kumar and thereafter the co-accused father of this petitioner has also confessed the name of this petitioner. Petitioner is having



antecedent of 4 cases of serious nature. Learned counsel further submits that bail application of co-accused Ramchandra Paswan has been rejected by a Co-ordinate Bench of this Court vide order dated 03.09.2025 passed in Cr. Misc. No. 39749 of 2025.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of cogent material to show the involvement of the petitioner in the offence as alleged and also considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned SDJM, Biraul, Darbhanga/concerned court in connection with Kusheshwar Asthan P.S. Case No. 21 of 2025, subject to the conditions mentioned in Section 480(3) of the B.N.S.S. and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three



consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled by
the court concerned.

(Arun Kumar Jha, J)

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