

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54657 of 2025

Arising Out of PS. Case No.-174 Year-2024 Thana- DHANAHA District- West Champaran

Vijay Yadav @ Tiger S/o- Sri Ram Sevak Yadav @ Ram Sevak Village-
Jankinagar Sohnaria Ps- Ravindra Nagar Dhus Dist- Khushinagar, U.P

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the State	:	Mr. Narendra Kumar Singh, APP
For the Informant	:	Mr. Brajesh Prasad Gupta, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 15-11-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 103(1) and 3 (5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

3. The case of the prosecution is that the informant's husband was done to death by some unknown miscreants while he had gone to a saloon and suspicion had been raised upon one Govind Maddeshia with whom there was some talk with regard to exchange of money.

4. It is submitted by learned counsel for the petitioner that petitioner is not named in the F.I.R. and the same has been lodged against unknown and the name of the petitioner has transpired in the confessional statement of co-accused,



Vikash, Ravi Prakash and Vijay, barring the confessional statement made by the co-accused before the police, which has no evidentiary value, absolutely there is no material to connect the petitioner with the alleged occurrence. It is further submitted that admittedly there is no eye witness to the occurrence and the CCTV footage also does not have any clarity on the identification of the accused. It is also submitted that several similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide orders dated 15.05.2025, 20.06.2025 and 11.07.2025 passed in Cr. Misc. No.26448 of 2025 with Cr. Misc. No.28018 of 2025, Cr. Misc. No.11230 of 2025 with Cr. Misc. No.39576 of 2025 and Cr. Misc. No.43648 of 2025 respectively. Further, there is delay of two days in lodging the F.I.R. for which no plausible explanation has been tendered. No test identification parade has been conducted. The petitioner has been languishing in custody since 29.10.2024 and charges have been framed.

5. Learned APP for the State and learned counsel for the informant opposed the bail petition on the grounds that the name of the petitioner has transpired during course of investigation and his confessional statement has also been recorded. It is further submitted that the petitioner has four criminal antecedents. However, in response, it has been



submitted that the petitioner is on bail in all the said cases.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that it is a case of no eye witness and the material collected during the course of investigation is confined to the confessional statement made before the police which has no evidentiary value coupled with the fact that several similarly situated co-accused have already been granted bail by a co-ordinate Bench of this Court, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Dhanaha P.S. Case No.174 of 2024, subject to the conditions that :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

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