

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52429 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- Patarghat District- Saharsa

Santosh Yadav, S/o Chitnarayan Yadav, R/o Village-Bhaddi (Phadi Tola),
Ward No. 13, P.S.-Patarghat, District-Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 14-10-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Patarghat P.S. Case No.45 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 109, 351(2), 352, 74 read with 3(5) of the Bhartiya Nyaya Sanhita (for short 'B.N.S.') and Section 27 of the Arms Act.

3. The accused/petitioner is named in the FIR and is in custody since 16.04.2025.

4. As per FIR, the allegation against the petitioner is to open firing during the occurrence, which hit to the leg of



wife of the informant namely, Phul Kumari while informant along with his family members including injured came outside his home on public alarm raised at about 10.30 am on 03.04.2025 out undisclosed occurrence.

5. It is submitted by Mrs. Rashmi Jha, learned counsel appearing for petitioner that from the face of FIR, it can be gathered easily that alleged firing was not made intentional for the simple reason that the informant and his injured wife came on their own outside the house to see to the occurrence out of public alarm. In this context, it is further submitted that upon medical examination, no injury as alleged to be caused by firearms was found upon injured wife of the informant. In support of this submission, an attention of this Court was drawn to Annexure-P-2, which is injury report of injured Phul Kumar, which *prima facie* negate the entire allegation, as same was caused by hard and blunt object not by firearm. It is submitted further that upon medical examination, only fracture of "tebia" bone was found, which is a non-vital part of the body and same also appears non-repeated further negating any intention to cause death. While



concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has already submitted and, as such, there is no chance of tampering with the evidence. Explaining criminal antecedent of petitioner, it is pointed out by learned counsel that the petitioner further involved in five criminal cases, which are old cases, 10 years back, where he is on bail.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of the injury report of the injured, as per Annexure P-2 of the bail petition, which *prima facie* negate the allegation as same appears not caused by gun shot, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 16.04.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Patarghat P.S.



Case No.45 of 2025 subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

