

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52275 of 2025

Arising Out of PS. Case No.-108 Year-2024 Thana- KHIRI MORE District- Patna

1.

Rajendra Yadav son of Sukma Yadav Resident of Village-Nirakhpur, P.S-Khiri More, Dist-Patna
2.

Mahendra Yadav Son of Late Shiv Pujan Yadav village- Mahuari Dahia, Ps-Piarpur, (khiri More), Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha, Adv
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

326-09-2025

Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners are not named in the F.I.R. and apprehended their arrest in connection with Khirimore P.S. Case No. 108 of 2024 registered for the offences punishable under Sections 302, 201, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per FIR, murder of the husband of informant was committed by unknown persons by causing fire arm injury, while he was returning to his home on intervening night of 24.05.2024 at 9:00 PM from Rengenia Balu Ghat. The information



of the occurrence was given by unknown co-villagers to the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that admittedly informant is not the eye-witness of the occurrence and entire implication *qua* occurrence was based upon hearsay input as provided by unknown co-villagers. It is submitted that during the course of investigation four accused persons were apprehended including one Dhilu Kumar, who named this petitioner as one of the companion through his confessional statement. It is submitted that for the moment, if confessional statement of accused be taken on its face no overt act *qua* alleged occurrence appears against these petitioners rather same is available against co-accused Aditya Kumar. It is also submitted that suspicion was raised through confessional statement of co-accused that petitioner no. 2 was found roaming around the house of deceased. While concluding the argument it is submitted that petitioner no. 1 is a man of clean antecedent, whereas petitioner no. 2 found involved in 5 more criminal cases, where he is on bail. It is submitted that substantial investigation *qua* occurrence already completed and, therefore, no custodial interrogation is required for these two petitioners for any further investigation.



5. Learned APP appearing on behalf of the State, while opposing the prayer of anticipatory bail could not disputed aforesaid factual submission.

6. In view of the facts and circumstances and by taking note of the fact as save and except suspicion arising out of confessional statement of Dhilu Kumar nothing incriminating appears against these petitioners, accordingly both above named petitioners, in the event of their arrest or surrender before the learned Trial Court within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Danapur, Patna/concerned Court where the case is pending in connection with Khirimore P.S. Case No. 108 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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