

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61659 of 2025

Arising Out of PS. Case No.-337 Year-2024 Thana- BAIRIYA District- West Champaran

1. Hari Shankar Yadav, S/O Late Timal Yadav, R/O Village- Laukariya, P.S- Bairiya, Distt.- West Champaran.
2. Vikash Kumar S/O Hari Shankar Yadav, R/O Village- Laukariya, P.S- Bairiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 12-09-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. This is second attempt for regular bail on behalf of the petitioners. Earlier the petitioners had filed Criminal Miscellaneous No. 9385 of 2025 for bail which was rejected vide order dated 16.05.2025 giving liberty the petitioners to renew his prayer for bail after framing of charge.

3. The petitioners seek bail in connection with Bairiya P.S. Case No. 337 of 2024 dated 05.10.2024 instituted for the offence punishable under Sections 109, 351(2), 3(5) of Bhartiya Nyaya Sanhita and Section 27 of the Arms Act.

4. The prosecution case, in short, is that the informant



had gone towards pond where he saw the petitioners along with other co-accused fishing from his personal pond and when he objected, they started abusing and assaulting. Thereafter, the accused persons started pelting stones and bricks and petitioner nos. 1 and 2 brought country made gun from their house and fired upon them, due to which mother, daughter and younger brother of the informant got injured.

5. Learned counsel for the petitioners submits that the petitioner are innocent and they have been falsely implicated in this case. It has been further submitted that the petitioners are in custody since 06.10.2024 having no criminal case against them.

6. Learned counsel for the petitioners further submits that in view of order dated 16.05.2025 passed in Criminal Miscellaneous No. 9385 of 2025, the instant bail application has been filed. There is specific observations in the aforesaid order that the petitioners are at liberty to renew their prayer for bail after framing of charge. However, the charge against the petitioner nos. 1 & 2 has been framed on 16.07.2025.

7. Learned A.P.P. for the State opposed the prayer for bail of the petitioners.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let



the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge 3rd, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 337 of 2024, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
2. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or their wife.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. If the petitioners tamper with the evidence or the



witnesses, in that case, the prosecution will be at
liberty to move for cancellation of bail.

(Khatim Reza, J)

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