

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59128 of 2025

Arising Out of PS. Case No.-20 Year-2020 Thana- PANDARAK District- Patna

Biru Yadav S/o- Late Kapil Yadav @ Kapiladev Yadav R/o- Manjhla Bigha
A/P- Gop Kita Sita Ram Baghi PS - Pandarak Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Nayan, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, A.P.P.

For the Informant : Mr. Premchandra Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-12-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341 and 302
of the Indian Penal Code.

3. Learned counsel appearing on behalf of the
petitioner submits that petitioner has antecedent of seven cases
and, thus, has been falsely implicated in the instant case by the
informant. It is further submitted that the informant alleges that
on 15.02.2020 at about 05:20 p.m. she was going to her house
along with Vijay, Tuntun, Ranjit, Krishnandan, Niru and Muna
Kumar when petitioner, Anil, Mritunjay, Rajesh, Sanjit, Ranjit,
Ramesh, Suresh and Laxman arrived on three motorcycles and
surrounded them near Laxmi Temple. Further, the accused



persons were armed with pistol and started indiscriminate firing causing firearm injury on the head of the husband of the informant who died at the spot.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that on 15.02.2020 at 05:20 p.m. while she along with her husband and other family members were returning back home when they were intercepted by the named accused persons including the petitioner who resorted to indiscriminate firing causing death of the husband of the informant. It is next submitted that as far as allegation of firing is alleged, the same is general and omnibus in nature. It is also submitted that the date of occurrence is 15.02.2020 and time of occurrence is 05:20 p.m. but then the dead body of the husband of the informant was received for postmortem on 15.02.2020 at 08:05 a.m. and the postmortem commenced at 09:44 a.m. and the Doctors concluded that the time since death is approximately in between 12-24 hours. It is, thus, submitted that it appears that the death of the husband of the informant took place a day prior that what has been recorded in the FIR, as



such, the informant is not an eyewitness to the occurrence but then for reasons best known implicated the accused persons including the petitioner. It is further submitted that co-accused, namely, Anil Yadav had approached this Court seeking regular bail by filing Cr. Misc. No. 33193 of 2020 and the same came to be allowed by an order dated 24.08.2021 passed by a learned the then Coordinate Bench of this Court. It is next submitted that petitioner in the instant case is in custody since 26.11.2024, charge-sheet has been submitted, as such, no useful purpose would be served by keeping the petitioner in jail. It is also submitted that if privilege of regular bail is granted to the petitioner, the petitioner will not abscond rather will cooperate in the trial to prove his innocence.

5. Learned counsel for the petitioner next submits that charges have been framed in the month of July, 2025 but till date not a single witness has been examined as the learned trial court is vacant.

6. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant vehemently opposed the prayer for regular bail of the petitioner but then learned counsel appearing on behalf of the informant is not in a position to rebut the submissions of the learned counsel appearing on behalf of



the petitioner that the date and time of death as recorded in the FIR does not match with the postmortem report.

7. Considering the submissions made by the learned counsel appearing on behalf of the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with Pandarak P.S. Case No. 20 of 2020.

8. One of the bailors of the petitioner shall be his brother, namely, Sanjay Kumar.

9. However, if the learned trial court comes to a conclusion that petitioner, after his release on bail, is trying to delay the trial of the case in any manner, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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