

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65764 of 2025

Arising Out of PS. Case No.-100 Year-2023 Thana- BANGAWON District- Saharsa

Suman Yadav S/o Kailash Yadav R/o vill- Balha, P.S- Bangaon, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with S.T.
No. 40 of 2024 arising out of Bangaon P.S. Case No. 100 of
2023 instituted for the offence under Sections 341, 302, 307,
504, 506, 120B & 34 of the Indian Penal Code and Section 27
of the Arms Act.

3. The prosecution case, in brief, is that on
21.08.2023, the FIR-named accused persons entered the
informant's house armed with illegal weapons, assaulted her
family, and during the incident, petitioner fired a shot that hit
Md. Sulo in the chest. On hearing the gunshot, nearby people
gathered, overpowered the petitioner, and later handed him over
to the police.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 25-08-2023. Petitioner bears six criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is delay of two days in lodging the FIR. Learned counsel for the petitioner submits that initially FIR was registered under Section 307 of the IPC, but subsequently injured succumbed to injuries, upon which Section 302 of the IPC was added. Nothing has been recovered from the conscious possession of the petitioner. It is lastly submitted that trial has commenced and only three witnesses have been examined in this case and there is no likelihood of the trial being concluded in the near future.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. There is direct allegation of firing against the petitioner, hence, he does not deserve the privilege of bail. It is next submitted that bail of other co-accused has been rejected by this Court vide order dated 04-12-2024, passed in Cr. Misc. No. 71874 of 2024.

7. Considering the aforesaid facts and circumstances



of the case, there being direct allegation against the petitioner of firing, this Court is not inclined to grant bail to the petitioner. Prayer for bail is hereby *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments preferably within a period of two months.

9. However, petitioner will be at liberty to renew his prayer for bail if the trial is not concluded within a period of two months from today.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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