

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63556 of 2025

Arising Out of PS. Case No.-219 Year-2024 Thana- GAMAHARIYA District- Madhepura

Sanjay Yadav @ Sanjay Kumar S/O Kusheshwar Yadav R/O Village- Tok
Sinhpur (Itwa) Ward No.- 6, P.S.- Gamhariya, District- Madhepura

... .. Petitioner

Versus

The State of Bihar Patna

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Aditya Dev, Advocate

For the Opposite Party/s : Mrs.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-10-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with Session Trial No. 222/2025 arising out of Gamhariya P.S. Case No. 219 of 2024 registered for the offences under Sections 103(1), 238 & 61(2) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and section 27 of the Arms Act.

3. The accused/petitioner is named in the First Information Report and is in custody since 24.03.2025.

4. As per FIR, petitioner alongwith several co-accused persons said to have killed the son of the informant after calling him from home, whereafter dead body of son of the informant was found near to the bank of Parwaha road.



5. It is submitted by learned counsel appearing on behalf of the petitioner that informant is not the eye witness of the alleged occurrence and due to previous enmity, the false implication was raised, which can be gathered easily that FIR was lodged on 20.10.2024, whereas the dead body of son of the informant was recovered in the early morning of 19.10.2024.

6. It is pointed out that during course of investigation one co-accused Pritam Kumar was apprehended, who while recording his confessional statement on 23.03.2025, categorically stated that one co-accused Ram Kumar Paswan has shot fired upon the deceased and stated nothing about this petitioner. It is pointed out that considering all such aspects, one of the similarly situated co-accused namely, Pramod Yadav was granted bail by one of the learned coordinate Bench of this Court through Cr. Misc. No. 36234 of 2025 dated 01.08.2025, and, therefore, considering the parity, this petitioner also deserves bail.

7. Explaining criminal antecedents of the petitioner, it is submitted by learned counsel that petitioner found



involved in four more criminal cases, where he is on bail in all cases and interestingly, in all such four cases, place of occurrence was the property of the petitioner.

8. While concluding argument, it is submitted that investigation of this case is already completed, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

9. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

10. In view of aforesaid factual submission and by taking note of the fact as except suspicion *prima-facie* nothing transpires against the petitioner during investigation as to connect him with the present crime in question, coupled with the fact that petitioner remains in custody since 24.03.2025 and investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II, Madhepura/concerned court, in connection with



Sessions Trial No. 222 of 2025 arising out of Gamhariya P.S.
Case No. 219 of 2024, subject to the condition as laid down
under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya
Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J.)

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