

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62902 of 2025

Arising Out of PS. Case No.-398 Year-2024 Thana- HUSSAINGANJ District- Siwan

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Jitendra Kumar Yadav @ Jimmi @ Master Son of Late Shardanand Choudhary @ Shardanand Yadav Resident of Village - Pakwaliya, P.S. - Hussainganj, Dist. - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Chandra, Adv.

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned A.P.P for the State.

2. Learned counsel for the petitioner has filed supplementary affidavit during course of the day which is kept on the record.

3. The petitioner has preferred this application for grant of regular bail in connection with Hussainganj P.S. Case No. 398 of 2024 dated 11.11.2024 registered for the offences punishable u/ss 132, 109, 262, 121(1) of the B.N.S. and Sections 25(1-B)(a), 26 and 27 of the Arms Act.

4. As per the prosecution case, the petitioner was apprehended with illegal arms, ammunition and smack while he was making plan with the other accused persons to kill one



person and he was brought to Hussainganj Police Station. The statement of the petitioner was recorded in which he has disclosed his involvement in the murder of Rakesh Kumar @ Golden. The petitioner has also confessed that he has kept his pistol in the bush and when the informant along with the other police personnel proceeded for the recovery of the said pistol, in the meantime, the petitioner pushed the informant and picked up the pistol and tried to flee away after firing the pistol. Thereafter, the informant and the other police personnel fired two rounds on the petitioner due to which the petitioner fell down and he sustained firearm injury on his leg. One pistol loaded with three live cartridges were recovered by police at the place of occurrence.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner has been arrested in Hussainganj P.S. Case No. 397/24 and thereafter, police falsely implicated the petitioner in the present case. Nothing has been recovered from the conscious possession of the petitioner. Learned counsel has further submitted that the police official have not sustained any firearm injury. The petitioner has 8 criminal antecedents in which he is on bail in 6



cases as stated in para 2 of the supplementary affidavit filed on behalf of the petitioner. The petitioner is in custody since 17.12.2024.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Siwan in connection with Hussainganj P.S. Case No. 398 of 2024 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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