

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60954 of 2025

Arising Out of PS. Case No.-39 Year-2024 Thana- GAMAHARIYA District- Madhepura

Vivek Yadav @ Hiro, aged about 28 years, Male, S/o- Ravindra Yadav, R/O
Village- Toka, Ward No-8, P.S.- Gamhariya, Dist- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : M/S. Uday Chand Prasad, Manoj Kumar, and
Pooja Prasad, Advocates
For the Opposite Party : Mr. Jagdhar Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 17-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Gamhariya P.S. Case No. 39/2024 dated 11.03.2024 registered
for the offences punishable under Sections 393, 307 of the I.P.C.
and Section 27 of the Arms Act.

3. As per the prosecution case, four unknown
miscreants boarded on two motorcycles are alleged to have tried
to snatch the mobile phone of the informant and during that
course, one of the miscreants fired on the informant which hit
his hip and they fled away.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in



this case. It is submitted that the petitioner is not named in the F.I.R. and his name has come during the course of investigation on the basis of the confessional statement of the co-accused Vikash Yadav. The petitioner in his confessional statement has stated that he fired on the informant which has got no evidentiary value in the eyes of law. The petitioner has been remanded in the present case on 10.01.2025 from Gamhariya P.S. Case No. 45 of 2024. There is neither recovery of any looted article from the conscious possession of the petitioner nor from his house. The petitioner was neither arrested on the spot nor he was seen fleeing from the place of occurrence. The petitioner was not identified by any person. It is further submitted that no cogent material has come against the petitioner regarding his complicity in the alleged offence. It is further submitted that as per the injury report of the doctor, the mode of injury-gunshot. The charge sheet has been submitted against the petitioner in the present case. It is submitted that the other co-accused person, namely, Mukesh Kumar @ Mukesh Kumar Yadav, has already been granted bail by a Bench of this Court in Cr. Misc. No. 59591 of 2024 vide order dated 12.09.2024. The petitioner has nine (09) criminal antecedents as stated in paragraph no. 3 of the bail petition. The petitioner is in



custody in this case since 10.01.2025.

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

6. 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 C.J.M. Madhepura, in connection with Gamhariya P.S. Case No. 39/2024 with further conditions:-

(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 bonds of the petitioner are liable to be cancelled.

(II) If the petitioner is found involved in similar nature of offence in future, his bail bond is liable to be cancelled.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

