

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64585 of 2025

Arising Out of PS. Case No.-166 Year-2025 Thana- KANKARBAG District- Patna

Niraj Yadav Son of Lalu Ray Resident of Postal Park, Rambilash Chowk,
P.S.-Kankarbagh, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Adv.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-09-2025 Heard Mr. Prashant Kumar, learned counsel for the

petitioner and Mr. Suresh Prasad Singh, learned APP for the

State.

2. Petitioner seeks regular bail in connection with
Kankarbagh P.S. Case No. 166/ 2025 dated 18.02.2025
registered for the offence(s) punishable under Sections 191(2),
191(3), 190, 109, 132, 351(2) and 352 of the BNS and section
27 of the Arms Act and later on sections 25(1-B)a, 26 and 35 of
the Arms Act were added.

3. The main submissions advanced by the petitioner's
counsel are that the petitioner was not apprehended at the spot
and his name surfaced during the course of investigation in the
statements of co-accused, though, as per prosecution, this
petitioner was seen in the CCTV footage but, in actual, the



petitioner, who is a driver by profession, was passing near the place of occurrence, so, his presence was recorded in the camera. It is further submitted that after the petitioner was taken into custody, no incriminating material, such as alleged firearm was recovered from his possession and except his presence seen in the CCTV footage and the statement of the co-accused, there is nothing to show the petitioner's involvement in the alleged crime and further, main allegation of firing is against the co-accused, Dharmendra Kumar and Dayanand Prasad of these co-accused, Dharmendra Kumar has already been granted bail by a co-ordinate bench of this court vide order dated 12.08.2025 passed in Cr. Misc. No. 54165 of 2025 and in the light of the nature of the allegations appearing against the said co-accused and this petitioner, the petitioner's case stands on better footing and further, two more co-accused persons, namely, Suraj Kumar @ Guddu @ Guddu Kumar and Tinku @ Ashish @ Tinku Kumar @ Ashish Kumar carrying almost similar nature of allegations have also been granted bail by a co-ordinate bench of this court vide order dated 28.05.2025 passed in Cr. Misc. No. 35422 of 2025. It is lastly submitted that petitioner has been languishing in jail since 15.07.2025, though against him, there is criminal antecedent of one case but he is on bail in that case.



4. The learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the aforesaid submissions advanced by the petitioner's counsel and mainly privilege of bail having been granted to the co-accused person, who is carrying more serious allegation than this petitioner, and coupled with the fact that after the petitioner was taken into custody no incriminating material, such as alleged firearm was recovered from his possession, as stated above, in my opinion, it is a fit case for grant of bail to the petitioner. Accordingly, let the petitioner named-above be released on bail in connection with Kankarbagh P.S. Case No. 166/ 2025 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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