

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75479 of 2025

Arising Out of PS. Case No.-170 Year-2024 Thana- MADHEPUR District- Madhubani

Nakul Yadav @ Ashutosh Yadav S/O Ramashish Yadav R/O Village - Birpur,
P.S- Madhepura, Dist- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit

For the Opposite Party/s : Mr. Satya Nand Shukla

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-12-2025 Learned counsel for the petitioner is permitted to
make necessary correction in para 4 of this application.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks bail in connection with
Madhepur P.S. Case No. 170/2024 corresponding G.R. No.
1763/2024 registered for the offences punishable under Sections
310(4)/310(5) of the B.N.S. and Sections 25(1-B) (a)/ 26/ 35 of
the Arms Act.

4. As per prosecution case, there is alleged recovery
of one country made pistol and one live cartridge from the
possession of co-accused Sushil Kumar Yadav. Apprehended co-
accused disclosed the name of the petitioner and other who fled
away from the place of occurrence.



5. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in FIR and he has falsely been implicated in this case due to dirty village politics. Except disclosure of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner is languishing in custody since 24.06.2025 and bears eight criminal antecedents. No incriminating articles has been recovered from the conscious possession or the house of the petitioner. There is no independent witness of the alleged occurrence. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. In the light of aforesaid facts and circumstances of the case, no offence is made against the petitioner under the aforesaid Sections. Apprehended co-accused Sushil Kumar Yadav who disclosed the name of the petitioner, has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.26722/2025 and the case of present petitioner stands on better footing.

6. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submitted that the petitioner is FIR named accused and he cannot escape from



the allegation made in the FIR.

7. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Jhanjharpur, District-Madhubani, corresponding G.R. No. 1763/2024 in connection with Madhepur P.S. Case No. 170/2024, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and if he fails to do so without appropriate permission of the trial court, his bail bond shall be cancelled by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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