

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81446 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- Mufassil District- Khagaria

Chhatri Yadav S/O Late Ramdeo Yadav R/o Village- Mathar, P.S - Mufassil,
District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Alias Ashok Karn, Adv.

For the Opposite Party/s : Mr.Gulnar Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 03-12-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Mufassil P.S. Case No. 75 of 2025, registered for the offences under Sections 126(2), 115(2), 109, 3(5) of the BNS and Section 27 of the Arms Act.

3. As per the prosecution case, petitioner and his three sons asked to stop the playing of D.J. in the marriage of the niece of the informant and when the son of the informant opposed, the petitioner and his co-accused sons assaulted him with *lathi* and *danda*. When the nephew of the informant tried to save him, the petitioner and co-accused persons fired upon them and both the son and nephew of the informant received injuries from gun shot.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits



that the background of dispute is clear from the FIR itself that some obscene song was being played and the petitioner went to stop it. The incident was result of verbal altercation and someone from the crowd might have fired the shot but due to enmity, the petitioner has been made accused in this case. Nothing incriminating has been recovered from person or possession of the petitioner or from his premises. No used bullet or cartridge was recovered from the spot. There is general and omnibus allegation of opening fire upon the petitioner and other co-accused persons. There was no intention to cause death and for this reason there could be no application of Section 109 of the BNSS. The petitioner is having antecedent of 3 cases and he is in custody since 29.07.2025 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the injured persons recorded their statements in which they stated that the petitioner fired upon the son of the informant and he received injury in his right hand.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the period of custody of the petitioner and submission of charge



sheet, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Khagaria/concerned court, in connection with Mufassil P.S. Case No. 75 of 2025, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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