

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4519 of 2026

Arising Out of PS. Case No.-48 Year-2022 Thana- BALIYA District- Begusarai

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Kumar Yadav S/o Late Rameshwar Yadav @ Late Faudari Yadav Resident of
Village- Lakhminia, P.S.- Ballia, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Amar Kumar Singh
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Shubhesh Pandey, Advocate
	:	Mr. Amit Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 15-05-2026 Heard Mr. Amar Kumar Singh, learned counsel

for the petitioner, Mr. Shubhesh Pandey, learned counsel for the
informant and Mr. Anil Kumar, learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
26.04.2025 in connection with Balia P.S. Case No. 48 of 2022
for the offences punishable under Sections 302 and 34 of the
IPC and Section 27 of the Arms Act.

3. The case of the prosecution, in brief, is that on
12.02.2022 the elder brother of informant namely, Dilip Yadav
went out of his house to attend the marriage function at about 8
P.M. and also Arvind Kumar and Shrawan Kumar informed the
informant by his mobile phone that Dilip Yadav has sustained



bullet wound. On getting this information the informant rushed for the spot and after reaching the spot he saw that his brother Dilip Yadav is lying on the ground and Kumar Yadav (petitioner), Fanikant Yadav, Nitish Yadav are firing on his brother. Thereafter Kumar Yadav(petitioner) fired on his brother's neck from point blank range and thereafter Fanikant also fired on his neck from point blank range but hearing the noise of bullet the son of Fanikant, Gaurav Kumar, Mahendra Yadav, Renu Devi Etc came there along with Aarti Devi. Then Renu Devi identified Dilip Yadav on this Mahendra Yadav kill him at once or he will fled away. Then Rustam Kumar came there and caught the brother's waist. Thereafter Aarti Devi said that since he has already died therefore they ran away. Informant has claimed that all the aforesaid persons has killed in conspiracy with each other and his brother has died at the spot.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. It is next submitted that from perusal of the FIR it appears that the informant is not an eye-witness but he has claimed that he is an eye-witness to the alleged occurrence. It is next submitted that even no one has seen the occurrence and petitioner has been made an accused in this case merely on the basis of suspicion.



Learned counsel for the petitioner next submits that the co-accused persons, namely, Aarti Devi and Randhir Yadav, whose names have also been transpired in the FIR, have been granted bail vide orders dated 26.09.2022 and 04.07.2023 passed in Cr. Misc. Nos. 37242 of 2022 and 3998 of 2023 respectively by Coordinate Benches of this Court. It is next submitted that the police after investigation has submitted charge-sheet and petitioner is in custody since 26.04.2025.

5. The learned Additional Public Prosecutor for State and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioner and submit that from perusal of the FIR it appears that there is direct and specific allegation of firing attributed against the petitioner supported by medical evidence. Apart from that petitioner has antecedent of one case other than the present case.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Begusarai in connection with Balia P.S. Case No. 48 of 2022, subject to the following conditions:-

- i. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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