

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7416 of 2026

Arising Out of PS. Case No.-89 Year-2025 Thana- RAFIGANJ District- Aurangabad

Rajesh Yadav @ Tufan @ Rajesh Kumar S/O Ramkrit Yadav Resident of
Village- Lavari, P.S.-Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 12-05-2026 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 103 of BNS and Section 27 of the Arms Act.

3. The case of the prosecution in short is that informant received information that somebody has fired at his brother Abhishek. While he was being rushed to hospital, it is submitted in the FIR that the brother of the informant disclosed the informant that one Shushil has fired at him.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has been submitted from perusal of the FIR it is clear that allegation of firing is against co-accused



Shushil. During course of investigation Shushil has given his confessional statement and in his confessional statement, he has stated that the petitioner has fired at the deceased. There are two versions of the prosecution: First is that according to the informant, co-accused Shushil has fired whereas according to Shushil, this petitioner has fired. The statement of the co-accused is merely a confessional statement which has got no legal value in the eye of law. Learned counsel has further submitted that in this case till today only charges have been framed and no prosecution witness has been examined. Moreover, the petitioner is languishing in judicial custody since 24.04.2025.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of regular bail. Learned counsel for the informant has stated that in Para-3 of the bail petition of the petitioner, it is mentioned that petitioner is having three criminal antecedent whereas petitioner has many more antecedent. He has further submitted that during investigation Shushil kumar has given his confessional statement and he has stated in his confessional statement that this petitioner has fired at the deceased.

6. Having heard learned counsel for the parties and



considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Rafiganj P.S. Case No. 89 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned I/C C.J.M., Aurangabad **with a condition that while accepting the bail bond of the petitioner, learned trial court is directed to verify his criminal antecedent and if it is found that he is having more than three criminal antecedents, his bail bonds will be cancelled.**

(Ashok Kumar Pandey, J)

Shubham/-
Rohit/-

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