

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17170 of 2026

Arising Out of PS. Case No.-419 Year-2025 Thana- NEMDARGANJ District- Nawada

1. Ramjatan Yadav @ Rajan Yadav @ Chhote @ Chote S/o- Late Dani Yadav Vill - Chandauli, P.S - Nemdarganj, Dist - Nawada
2. Kanhai Yadav S/o- Ramotar Yadav Vill - Chandauli, P.S - Nemdarganj, Dist - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 24370 of 2026

Arising Out of PS. Case No.-419 Year-2025 Thana- NEMDARGANJ District- Nawada

Nand Yadav Son of Ramotar Yadav Resident of Village - Chandauli, Police Station - Nemdarganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17170 of 2026)

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Birendra Kumar, Advocate
Mr. Kumud Kishore, Advocate
Mr. Rajdeep Kumar, Advocate

For the State : Mrs. Madhuri Lata, APP

For the Informant : Mr. Bhola Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 24370 of 2026)

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate
Mr. Birendra Kumar, Advocate
Mr. Kumud Kishore, Advocate
Mr. Rajdeep Kumar, Advocate

For the State : Mr. Raj Ballabh Singh, APP

For the Informant : Mr. Bhola Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
CAV ORDER

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



2. The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 103(1) and 3(5) of BNS.

3. The case of the prosecution in short is that the accused persons along with the petitioner have taken away the husband of the informant from his house and the same was objected by the informant. When the informant's husband did not return till evening, the informant went to sleep at that night. It is further alleged that on next morning, she came to know that a dead body was lying near Derma Tola, Neemtala village and thereafter, she along with others went there and identified the body of the deceased as her husband. The deceased was allegedly taken by the petitioners at 8:00 PM on 26.11.2025. The informant stated that when the accused persons took away her husband, she slept at night and did not inform the police. It is alleged that there was enmity between the petitioners and the deceased.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. Learned counsel has submitted that this case is based on circumstantial evidence. The deceased was allegedly taken by the accused persons at



8:00 PM on 26.11.2025. whereas according to para- 2 of the diary, information regarding the occurrence was received by the police on mobile at 7:00 AM on next day, i.e., 27.11.2025 and the inquest report was prepared at 9:05 AM on the same day. From perusal of the postmortem of the deceased, it is clear that the postmortem commenced on 1:55 PM on 27.11.2025. Learned counsel for the petitioners has further submitted that as per the case of the prosecution, there was enmity between the petitioners and the deceased. It has further been submitted that the conduct of the informant, that in the night when the accused persons have taken away her husband, she slept at night and did not inform the police, speaks lot about concoction. It has further been submitted that it is not the natural conduct of a person that if a near and dear is taken away by the enemies, how can one sleep. Moreover, the petitioners, namely, Ramjatan Yadav and Kanhai Yadav are languishing in judicial custody since 29.11.2025 whereas petitioner, namely, Nand Yadav is languishing in judicial custody since 15.12.2025.

5. Countering this, learned counsel for the informant and learned APP for the State have vehemently opposed the prayer for bail. It has been submitted by learned counsel for the informant that from perusal of para-3 of the diary, it is clear that



one woolen cap was recovered which has blood stains and a brick was recovered. During course of investigation, petitioner Nand Yadav has confessed his guilt and he has stated that he has killed the deceased out of the dispute of road rage. In the confessional statement, he has stated that there was scuffle between the deceased and him and he has assaulted with brick on the head of the informant's husband and has also stated that he identifies the woolen cap which was seized from the place of the occurrence and the same belongs to him.

6. After considering the rival submissions of the parties, it is clear that the allegation against the petitioner, namely, Ramjatan Yadav and petitioner, namely, Kanhai Yadav is based merely on circumstantial evidence and the conduct of the informant makes the circumstances doubtful and the delay, that the deceased was taken away by the accused persons at 8:00 PM and the case was filed at 7:00 AM in the next morning, is also a conspicuous matter in view of the judgment of the Honorable Supreme Court in the case of **Sharad Birdhichand Sarda v. State of Maharashtra, (1984) 4 SCC 116** wherein Honorable Supreme Court has held which is as follows:-

“A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established:

(1) the circumstances from which the



conclusion of guilt is to be drawn should be fully established.

(2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty.

(3) the circumstances should be of a conclusive nature and tendency.

(4) they should exclude every possible hypothesis except the one to be proved, and

(5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused.”

7. Considering the facts and circumstances of the case as discussed above, this court is inclined to enlarge the petitioners, namely, Ramjatan Yadav and Kanhai Yadav on bail. The above named petitioners are directed to be released on bail in connection with Nemdarganj P.S. Case No. 419 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Nawada.

8. As far as the case of petitioner, namely, Nand Yadav is concerned, it is coupled with circumstantial evidence, the confessional statement and the recovery of woolen cap as well. Though the confessional statement given before police has got no legal force but the recovery of the alleged woolen cap speaks lot.



9. As such, the prayer for bail of the petitioner, namely, Nand Yadav stands rejected.

10. However, he may be at liberty to renew his prayer for bail after six months if the trial is not concluded.

11. Learned trial court is directed to conclude the trial within the stipulated period of time.

(Ashok Kumar Pandey, J)

Shubham/-

AFR/NAFR	NAFR
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