

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22612 of 2026

Arising Out of PS. Case No.-72 Year-2025 Thana- CHANDI District- Nalanda

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Bhushan Yadav S/O Ramkali Yadav R/O Village- Ghorhari, P.S- Chandi,
District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mrs. Priyanka Singh, Advocate
For the State	:	Mrs. Nirmala Kumari, APP
For the Informant	:	Mr. Shashank Chouhan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 15-07-2026 Heard learned senior counsel for the petitioner and

learned APP for the State as well as learned counsel appearing

on behalf of the informant.

02. In the present case, the petitioner seeks bail in
connection with Chandi P.S. Case No. 72 of 2025 registered for
the alleged offences under Sections 103(2), 61, 3(5) of BNS.

03. As per prosecution case, the brother of the
informant went to the house of co-accused Birju Yadav and did
not return. Later on, his dead body was found and the informant
showed his suspicion that the petitioner and other co-accused
persons have murdered his brother.

04. Learned senior counsel appearing on behalf of the



petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no specific allegation against the petitioner adverting any overt act against him. The FIR has been lodged after much delay which shows deliberation and after thought. Learned senior counsel further submits that from the FIR it is apparent that the allegation is against co-accused Suraj Yadav and not against this petitioner. Co-accused Suraj Yadav was apprehended and he named this petitioner and co-accused persons in his confessional statement but the said confessional statement has no legal sanctity. Learned senior counsel has referred to a decision in the case of ***P. Krishna Mohan Reddy v. State of Andhra Pradesh, 2025 LiveLaw (SC) 598***, wherein the Hon'ble Supreme Court has held that the statements of an accused recorded under Section 161 of the CrPC cannot be used against a co-accused at the stage of anticipatory or regular bail having no evidentiary value and being inadmissible in evidence. Learned senior counsel further submits that earlier the deceased instituted Chandi P.S. Case No. 583 of 2024 against some other persons showing apprehension for his life against those accused persons. The deceased did not name this petitioner. Learned senior counsel further submits that, therefore, except for suspicion and the confessional



statement of co-accused there is no substantive material against this petitioner, who is in custody since 18.08.2025, and charge sheet has been submitted. The petitioner is having antecedent of one case under Excise Act and he is on bail in that case.

05. Learned APP as well as learned counsel appearing on behalf of the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that the petitioner was named in the FIR and he was also named by co-accused in his confessional statement and at the instance of co-accused Suraj Kumar rope made of straw which was used in killing the deceased has been recovered. Learned counsel further submits that the regular bail of co-accused has been rejected by learned Co-ordinate Bench vide order dated 19.08.2025 passed in Cr. Misc. No. 37595 of 2025.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of substantive material against the petitioner showing his involvement and also considering his period of custody and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned ACJM I, Hilsa (Nalanda)/concerned Court in connection with Chandi P.S. Case No. 72 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the 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.
- (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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