

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34011 of 2026

Arising Out of PS. Case No.-530 Year-2025 Thana- BALIYA District- Begusarai

1. Hakim Yadav S/o Jay Kishor Yadav R/o Village - Pokharia, Ward no. 11, P.S. - Ballia, Dist. - Begusarai.
2. Brajesh Kumar @ Fuchho Kumar S/o Hakim Yadav R/o Village - Pokharia, Ward no. 11, P.S. - Ballia, Dist. - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-07-2026 Heard the parties.

2. The petitioners are not named in the F.I.R. and apprehending their arrest in connection with Ballia P.S. Case No. 530 of 2025 registered for the offences punishable under Sections 140(3), 103, 238, 61(2) BNS.

3. As per FIR the brother of the informant was found missing from 27.11.2025, he left home at about 7:45 AM and didn't returned home till 01.12.2025 and thereafter his mobile phone found switched off.

4. In the background of aforesaid allegation it is submitted by learned counsel appearing on behalf of the



petitioners that the FIR was lodged against unknown. It is pointed out that on 04.12.2025 the dead body of brother of the deceased was found in Narayanpur area of district Bhagalpur, whereafter the present FIR was lodged on 07.12.2025 against unknown. In aforesaid context, it is further submitted that while recording re-statement during investigation, the informant failed to name any person and he only supported the occurrence. In support of his submissions learned counsel drawn attention toward para no. 3 of the case diary.

5. In this context it is submitted further that the first time it was suspected by one Pintu Yadav during investigation that deceased was taken away by one Raja Yadav, son of Hakim Yadav (petitioner) on motorcycle towards Narayanpur of district Bhagalpur. It is further submitted by learned counsel that these petitioners were implicated only for the reason that they are father and brother of Raja Yadav and also for the reason that deceased was in relationship with married daughter of petitioner no. 1 namely Juli Kumari. It is submitted that



out of neighborhood dispute petitioners were implicated in very late stage of investigation that too on the basis of second re-statement of the informant. It is submitted that almost all witnesses supported that the deceased was taken away by Raja Kumar, son of the petitioner no. 1.

6. It is submitted that none of the witnesses named petitioner no. 2 who is son of the petitioner no. 1 and both petitioners appears implicated only on the basis of suspicions as raised by informant through his second re-statement. In this context learned counsel drawn attention towards para no. 38 of the case diary.

7. Concluding argument, it is submitted by learned counsel that married daughter of the petitioner no. 1 namely Juli Kumari who is also made accused was granted anticipatory bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 37906 of 2026 vide order dated 02.07.2026 considering aforesaid aspects. Petitioners claimed clean antecedent.

8. Learned APP opposed the prayer of bail.

9. In view of aforesaid factual submission and by



taking note of fact as witnesses during course of investigation categorically stated that deceased on last occasion was found seen together with co-accused Raja Kumar, son of petitioner no. 1 and two unknown person without any incriminating statement against these petitioners, coupled with the fact that *prima-facie* except suspicion nothing available against petitioners, accordingly both above-named petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Begusarai /concerned Court, where the case is pending in connection with Ballia P.S. Case No. 530 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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