IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65204 of 2026

CNR No. BRHC010871242026

Arising Out of PS. Case No.-121 Year-2026 Thana- HUSSAINGANJ District- Siwan

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Ajit Kumar Yadav S/o Late Yogendra Yadav @ Pahalwan R/o Village- Gosopali, P.S.- Hussainganj, District- Siwan

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :

For the Petitioner	:	Mr. Yogesh Chandra Verma, Sr. Adv.
	:	Mr. Javed Aslam, Adv.
For the informant	:	Mr. Ajay Kumar Pandey, Adv.
	:	Ms. Shyama Rani, Adv.
For the State	:	Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

3 27-10-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Hussainganj P.S. Case No.121 of 2026 registered for the offences punishable under Sections 103(1), 61(2), and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'B.N.S.') and Section 27 of the Arms Act.

3. The petitioner is named in the FIR and is in custody since 30.03.2026.

4. As per FIR, on 13.03.2026, two named and four unknown co-accused persons open indiscriminate firing upon

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the brother of the informant causing his death on the spot itself. It is also stated through FIR that prior to present occurrence, some days before, firing was also made on deceased by unknown person for which complaint was lodged with Hussainganj police.

5. It is submitted by Mr. Y.C Verma, learned senior counsel appearing for the petitioner that the reason for implication of this petitioner with present occurrence of murder is the suspicion arising out of first occurrence which took place few days before the present occurrence, for which a separate police case i.e. Hussainganj P.S. Case No. 119 of 2026 was lodged against unknown persons. It is submitted that despite suspicion, the petitioner was not named in Hussainganj P.S. Case No. 119 of 2026. Arguing further, Mr. Verma submitted that the informant was not the eye-witness of the occurrence and on the basis of hearsay input, he projected himself as an eye-witness of the occurrence, just to aggravate the allegation and to make out specific case against petitioner. In this context, it is highlighted by Mr. Verma that even the re-statement of the

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informant was not recorded during investigation. It is pointed out that one Sonu Kumar during investigation also claimed as an eye-witness of the occurrence. In support of this submission, Mr. Verma drawn attention of this Court towards paragraph No. 24 of the case diary, where said witness narrated the occurrence in different manner as alleged through FIR by the informant claiming himself as an eye-witness of the occurrence making a serious doubt regarding involvement of this petitioner with present occurrence of murder.

6. It is submitted that in furtherance of all such suspicion, the petitioner was arrested and his self-confession was recorded by the police, but in furtherance of same nothing incriminating appears or recovered which may connect this petitioner with present occurrence of murder. While concluding argument, it is submitted that investigation of this case has already been concluded, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. Explaining criminal antecedent, it is pointed out that petitioner found involved in four more

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criminal cases, where he has already been acquitted in one case and, therefore, effectively only three criminal cases are pending against him, which are of different in nature related with pity issues like excise cases, in which petitioner is on bail.

7. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that as per FIR, informant is the eye-witness of the occurrence suggesting involvement of petitioner in firing causing death of his brother but he could not disputed the doubt as raised by learned counsel appearing for petitioner in view of the statement of another eye-witness namely, Sonu Kumar.

8. In view of aforesaid factual submissions and by taking note of fact as statement of eye-witness of the occurrence *prima-facie* creates a doubt qua version of the informant, which is the basis of the FIR coupled with the fact that investigation of this case has already been concluded, wherein petitioner remains in custody since 30.03.2026, accordingly, the petitioner, above-named, is directed to be

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released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court of Judicial Magistrate 1st Class, Siwan, in connection with Hussainganj P.S. Case No.121 of 2026, subject to the conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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