IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64053 of 2026
CNR No. BRHC010923412026
Arising Out of PS. Case No.-113 Year-2026 Thana- BISFI District- Madhubani

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Subhash Kumar Yadav, S/o Sunil Yadav, R/o Village- Salempur, P.S- Bisfi, District - Madhubani, Bihar, Pin code- 847121.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner/s : Mrs. Anju Mishra, Adv.
: Mr. Navendu Prakash, Adv.
For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

3 29-10-2026 Heard the parties.

2. The accused/petitioner seeks bail in connection with Bisfi P.S. Case No.113 of 2026 registered for the offences punishable under Sections 103(1) & 61(2) of the B.N.S. and Sections 25(1-b)(a), 26, 27 & 35 of the Arms Act.

3. The accused/petitioner is named in the FIR and is in custody since 26.05.2026.

4. As per FIR, the husband of the informant was shot dead somewhere between 1:00-1:30 am on 25.05.2026, and when immediately she rushed to his room, she found 5 accused persons including petitioner running

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away. It is alleged that some days before, the accused persons threatened the informant due to enmities, as deceased husband of informant was instrumental in arresting the brother of petitioner in excise related case.

5. It is submitted by learned counsel appearing for the petitioner that from face of the FIR, it can be safely gathered that the informant is not the actual eye-witness of the occurrence, rather she arrived at the place of occurrence after the alleged firing and murder, and merely on the basis of suspicion in the background of previous enmities, this petitioner was named with the present occurrence saying that the informant found him fleeing away from the place of occurrence alongwith other named co-accused persons. It is further submitted that it was a dark night and to identify a person from his back appears doubtful. It is further submitted that even CCTV footage captured from nearby place of the occurrence could not disclose the identity of the accused persons. It is further argued that on the basis of suspicion as raised through FIR, the petitioner was apprehended and his self-confession was recorded, but in

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furtherance of same during entire investigation nothing surfaced as to connect this petitioner with present crime in question.

6. While concluding argument, it is submitted that investigation of this case has already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

7. Learned APP opposed the prayer of bail.

8. In view of aforesaid factual submissions and by taking note of fact as *prima-facie* it appears from the FIR that informant is not the actual eye-witness of the occurrence, and merely on the basis of suspicion as petitioner found running away near to the place of occurrence, he was implicated with present crime in question, coupled with the fact that investigation of this case has already completed, wherein petitioner being a man of clean antecedent remains in custody since 26.05.2026, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees

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Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Benipatti, Madhubani in connection with Bisfi P.S. Case No.113 of 2026, subject to the conditions as laid down under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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