

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65839 of 2025

Arising Out of PS. Case No.-1082 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Gaurav Kumar @ Chhotu Yadav S/o- Bhupendra Yadav Village- Inderva
W.No-5, Ps- Saur Bazar Dist- Saharsa P/A- Batraha W.No-36, Ps- Saharsa
Sadar Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Aditya Raj, Advocate Mr. Prashant Kumar Singh, Advocate
For the Opposite Party/s	:	Md. Iftekhhar Mahmood, A.P.P.
For the Informant	:	Mr. Rajesh Kumar Dubey

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 24-02-2026 Heard Mr. N.K Agrawal, the learned senior counsel for the petitioner assisted by Mr. Aditya Raj and the learned APP for the State and Mr. Rajesh Kumar Dubey, the learned counsel appearing for the informant.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 329 (3), 329 (4), 126 (2), 115 (2), 61 (2), 109, 76, 77, 305, 352, 351 (2) (3) and 3 (5) of B.N.S 2023.

3. As per the prosecution case, when the informant was at home, in the meantime, someone knocked at the door and when she opened the door, five unknown miscreants covering their faces on the point of pistol, disrobed her and made video clip and on protest they assaulted the informant and her family members and looted



household articles, cash and mobile phones.

4. Learned senior counsel for the petitioner submits that although the case was instituted under Section 109 and other sections of the B.N.S. However, subsequently after investigation charge sheet was not submitted under Section 109 but under other sections. Subsequently, cognizance was taken under the aforesaid sections and charges were also framed thereunder. It is further submitted that the First Information Report was lodged against unknown accused persons who had come with concealed identity and the name of the petitioner surfaced during the course of investigation upon the confessional statement of co-accused Manas and Mousam, who were identified in the C.C.T.V footage. However, it has been pointed out that both Manas Kumar and Mousam Kumar have been granted bail by Co-ordinate Bench of this Court vide order dated 29.08.2025 passed in Cr. Misc. No. 24201 of 2025 and Cr. Misc. No. 9770 of 2025 respectively. It is further submitted that the injury report of the informant indicates lacerated wound and swelling etc. which are stated to be simple in nature while the mother of the informant has suffered grievous injury due to land trauma or fall from higher site. Attention has also been drawn to paragraphs 78, 79 and 80 of the case diary wherein independent witnesses have been examined and they have clearly stated that the entire story of the informant's mother being thrown from the roof top is absolutely false and if such an incident would have occurred, it would have been



known to them. Further, the allegation of making some objectionable video viral is also not supported by any electronic/scientific evidence collected during the course of investigation. Petitioner is in custody since 18.04.2025 and charges have been framed on 05.02.2026 itself with no witnesses being examined till date, as such, there is no likelihood of conclusion of trial in near future.

5. Learned APP for the State and the learned counsel for the informant, however, strongly oppose the bail petition on the ground that according to confessional statement of co-accused persons petitioner is the main person who was leading the attack and he also has criminal antecedent and the next date fixed for evidence is 27.02.2026 and, as such, the petitioner does not deserve to be released on bail.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that the name of the petitioner transpired in the confessional statement of two co-accused Manas and Mousam who were identified in the CCTV footage and they have been granted bail by a co-ordinate bench of this Court, coupled with the fact that charges have only be framed on 05.02.2026, there being no likelihood of conclusion of trial in near future, the above named petitioner is directed to be enlarged on bail on 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 below where the case is pending/successor Court in connection with Saharsa Sadar



P.S. Case No. 1082 of 2024, subject to the condition that :

(i) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Soni Shrivastava, J)

vashudha/-

U		T	
---	--	---	--

