IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66171 of 2026

CNR No. BRHC010962842026

Arising Out of PS. Case No.-14 Year-2026 Thana- MANIGACHI District- Darbhanga

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Birendra Kumar Yadav @ Arun Yadav S/O Baidyanath Yadav Resident of Village and P.O.- Baghant, P.S.- Manigachhi, Dist- Darbhanga

... ... Petitioner/s

Versus

The State of Bihar Patna

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ashok Kr. Jha, Adv.
Mr. Saurav Anand, Adv.
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

3 30-10-2026 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Manigachhi P.S. Case No. 14 of 2026, registered for the offences punishable under Sections 140(2), 140(3) and 61(2) of the BNS.

3. As per the prosecution case, on 21.10.2025 after receiving a phone call from his friend, Ganga Yadav, the nephew of the informant, namely, Vishal Kumar Mandal went to Manigachhi, Darbhanga, in a hired Toyota Glanza bearing registration No. BR37AL1741. It is further alleged that Vishal Kumar Mandal was last seen at Mahadev Chowk, Manigachhi, in the company of a Ganga Yadav and

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another unknown person, whereafter he went missing. Despite making efforts to trace him, the informant could not ascertain his whereabouts. On the basis of suspicion, the informant alleged that Ganga Yadav, in conspiracy with his associates, including the petitioner had kidnapped or murdered Vishal Kumar Mandal.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. There is an inordinate delay of three months in lodging the FIR. He has further submitted that the petitioner is not named in the FIR and his name has transpired on the basis of confessional statement of co-accused Ganga Yadav, as mentioned in paragraph No. 60 of the case diary. He has also submitted that even if the occurrence assumed to be true, as per the said confessional statement of co-accused Ganga Yadav, it was Ganga Yadav, who had fired upon the deceased, who subsequently succumbed to his injuries. He has next submitted that the allegation against the petitioner is that he assisted in disposing of the dead body and provided a pistol to co-accused Ganga Yadav at his behest. He has further

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submitted that, apart from the confessional statement, there is no other material attributable to the petitioner. No motive whatsoever has been assigned to the petitioner, whereas co-accused Ganga Yadav is alleged to be the main assailant. He has also submitted that the petitioner has clean antecedents and, has been in judicial custody since 21.06.2026.

5. On the other hand, learned APP for the State though has opposed the prayer for bail but has conceded that there is no direct allegation against the petitioner.

6. Taking into account the entire facts and circumstances of the case, the petitioner is not named in the FIR and though his name has transpired only on the basis of the confessional statement of the co-accused but no allegation of firing has been attributed to him and there is a delay of three months in lodging the FIR, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned ACJM-IV/concerned Court, Darbhanga in connection with Manigachhi P.S. Case No. 14 of 2026, subject to the following conditions:-

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(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is found involved in any case other than the present one, his bail bond will not be accepted.

(v) It is also made clear that there shall be no delay beyond a period of ten days in verifying the criminal antecedents of the petitioner.

(Raj Kumar, J)

Nirmal/-

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