

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4231 of 2025

Arising Out of PS. Case No.-112 Year-2024 Thana- Mufassil District- Khagaria

1.

KAILASH YADAV S/O LATE DASRATH YADAV @ TIKLI YADAV R/o vill and P.O. - Amni, P.S.- Mansi, Distt - Khagaria
2.

Ashok Yadav S/o Late Dasrath Yadav @ Tikli Yadav R/o vill and P.O. - Amni, P.S.- Mansi, Distt - Khagaria

... .. Appellant/s

Versus

1.

The State of Bihar
2.

Mamta Devi @ Mamta Kumari W/o Late Rohit Ram R/o vill and P.O. - Amni, P.S.- Mansi, Distt - Khagaria

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Diwakar Prasad Singh
For the State	:	Mr.Sadanand Paswan
For the O. P. No. 2	:	Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 7

25-02-2026

1.

Heard learned Counsel for the appellants, learned Counsel for the Opposite Party No. 2 and learned Special Additional Public Prosecutor appearing on behalf of the State.

2.

The appellant have renewed their prayer for bail in connection with Muffasil Police Station Case No. 112 of 2024, corresponding to Special (SC/ST) G.R. No. 98 of 2024, registered under Section 191(2)/191(3)/190/103(1) of the Bhartiya Nyaya Sanhita, 2023 as well as Section 27 of the Arms Act and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)



Act, 1989.

3. The prosecution case, as per the First Information Report, is that on 22.08.2024, upon information that the appellants, along with 9-10 co-accused persons, have surrounded one Sanjeev Ram and were firing indiscriminately upon him, the informant, along with her husband and others, rushed to the place of occurrence and saw that all the accused persons including the appellants were armed with lethal weapons. When the informant and others intervened, they started abusing and assaulting the informant, her husband and others by taking their caste name and also fired upon them, due to which the husband of the informant died by firing made by co-accused Chhabila Yadav. It has further been alleged that co-accused Suman Mishra fired upon Sanjeev Ram, co-accused Chhotu Mishra fired upon Ranveer Ram and co-accused Aplesh Yadav fired upon Bhola Ram with an intention to kill but somehow they were saved.
4. Learned Counsel for the appellants submits that the appellants have falsely been implicated in this case along with his brothers. Although six brothers of the appellants were named as accused in this case but specific allegation



of firing is against co-accused Chhabila Yadav. The appellants are merely members of unlawful assembly and no overt act has been alleged against them. He further submits that similarly situated co-accused persons, namely, Suman Mishra and Ajit Yadav, have been granted regular bail by a Co-ordinate Bench of this Court, vide orders dated 16.09.2025 and 26.06.2025, passed in Criminal Appeal (SJ) Nos. 1142 of 2025 and 893 of 2025, respectively. He further submits that co-accused Tejo Yadav has also been granted bail by this Court, vide order, dated 30.01.2026, passed in Criminal Appeal (1st Additional Sessions Judge -cum- Special Judge, SC/ST,) No. 4495 of 2025. He next submits that the appellants are in custody since 23.08.2024 and 06.09.2024 respectively and the progress of the trial is very slow and up till now only one prosecution witness has been examined during the trial.

5. On the other hand, learned Counsel for the Opposite Party No. 2 opposed the prayer for bail and submits that the appellants were holding weapons in their hands and were also the part of the unlawful assembly, which fired upon the informant's husband, due to which he died.



6. Earlier, the prayer for bail of the appellants was rejected by this Court vide order dated 19.03.2025, passed in Criminal Appeal (SJ) No. 5559 of 2024 with liberty to the appellants to renew their prayer for bail after six months if the trial does not show any substantial progress.
7. Regard being had to the submissions made by the parties, taking into consideration the fact that similarly situated co-accused persons have been granted bail by a Coordinate Bench of this Court and this Court also, the appellant is in custody for about 1½ years and there is no flight risk of the appellants, I am inclined to grant regular bail to the appellants.
8. Let the appellants, above named, be released on regular bail on furnishing bail bonds of Rs. 10,000 /- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge, SC/ST, Khagaria, in connection with Muffasil Police Station Case No. 112 of 2024, corresponding to Special SC/ST G.R. No. 98 of 2024, subject to the condition that the appellant shall remain present on each and every date during the course of trial and in case of default on two consecutive dates without



prior permission of the trial court his bail bond shall liable
to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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