

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76873 of 2025

Arising Out of PS. Case No.-56 Year-2024 Thana- SAHARGHAT District- Madhubani

Amit Kumar Yadav @ Amit Yadav @ Amit Kumar, S/o Chandeshwar Yadav,
R/o village - Kerba, P.S - Saharghat, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Advocate
Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-02-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Saharghat P.S. Case No. 56 of 2024 (S.T. No.130 of 2025)
registered for the offences under Sections 103 and 61(2) of
the Bharatiya Nyaya Sanhita and Section 27 of the Arms Act.

3. The petitioner is not named in the F.I.R. and is in
custody since 20.11.2024.

4. As per FIR, petitioner along with four unknown
persons and one Santosh Kumar came to the house of
informant and opened fire upon father of the informant due to
which he died on spot.

5. Learned counsel appearing on behalf of the



petitioner submitted that informant, who is none but the son of this petitioner claimed through FIR being an eye-witness of the occurrence, where specific allegation against this petitioner was raised as to shot bullet on the chest of his father leading to his death, but interestingly during the course of investigation, he recorded his statement under Section 161 of the Cr.P.C., which is available in para no. 13 of the case diary, where he categorically stated that petitioner was only conspirator, and one unknown person fired upon his father. He failed to disclose the name of person, who caused fatal firearm injury to his father. It is also stated by him that her mother may disclose the name of real assailant. It is also pointed out that on the same very day, statement of mother of informant namely, Asha Devi was recorded, which is available in para no. 15 of the case diary, where she also failed to disclose the name of real assailants who caused fatal firearm injury upon deceased i.e. father of the informant. It is pointed out that in view of these statements, the allegation as raised through FIR against petitioner appears doubtful. While concluding the argument, it is submitted that petitioner found



involved in four more criminal cases, where he is on bail and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

6. Learned APP for the State while opposing the prayer for bail could not disputed aforesaid factual submissions as advanced by learned counsel for the petitioner, as mentioned aforesaid. However, he submitted that petitioner was one of the main conspirator behind the occurrence.

7. In view of aforesaid factual submissions and by taking note of fact as petitioner *prima-facie* appears one of the conspirator, where allegation as raised against him to cause fatal firearm injury on chest of the deceased appears doubtful in view of statement of informant as recorded under Section 161 of the Cr.P.C. as discussed aforesaid, coupled with the fact as petitioner remains in custody since 20.11.2024, accordingly, above named petitioner is directed to be released on bail in connection with Saharghat P.S. Case No. 56 of 2024 (S.T. No.130 of 2025) on furnishing bail bond



of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Madhubani/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S. with further conditions:-

(i) If petitioner made any deliberate attempt to delay trial, State/informant shall be at liberty to press petition before the learned Trial Court for cancellation of bail bold of petitioner by learned Trial Court, itself, which shall be decided by learned Trial Court, in accordance with law after giving fair opportunity to petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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