

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78229 of 2025

Arising Out of PS. Case No.-397 Year-2024 Thana- KHAGARIA District- Khagaria

Varun Yadav S/o Vilash Yadav @ Ram Vilash Yadav R/o Village- Mahuwa
Tola, Laxmipur, P.S.- Gangaur (Khagaria), District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-03-2026 Heard Mr.Sarbottam Kumar Sarkar, learned counsel
for the petitioner, learned counsel for the informant and
Mr.Umanath Mishra, learned Additional Public Prosecutor for
the State.

2. The petitioner seeks bail, who is in custody since
07.01.2025 in connection with Khagaria (Gangaur) P.S. Case
No. 397 of 2024, F.I.R. dated 02.08.2024 registered for the
offence punishable under Sections 103 & 3(5) of BNS,2023 and
subsequently Section 27 of Arms Act was added.

3. Briefly stated facts of the case as per F.I.R. are that
informant got registered an F.I.R. on 02.08.2024 alleging that at
12:10 am. seven persons came to Public Sarswati place where
father of the informant works as a watchman. They shot his
father dead with bullets.

4. Learned counsel appearing for the petitioner



submits that it appears from the FIR itself that the informant is not the eye witness of the alleged occurrence and he has lodged the present FIR merely on the basis of suspicion, apart from that, there is a number of cases are pending between the parties and as per allegation in the FIR, the petitioner and other co-accused persons have shot fire upon the victim on his head but there is no injury was found on the person of the deceased on his head rather firearm injury was found on chest and stomach. In other words, learned counsel for the petitioner submits that the allegation as alleged in the FIR does not support by the medical evidence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 07.01.2025.

5. Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Gangaur) P.S. Case No. 397 of 2024, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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