

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76867 of 2025

Arising Out of PS. Case No.-101 Year-2024 Thana- VIJAYEPUR District- Gopalganj

1. Vipin Yadav S/O Vishwakarma Yadav R/O Village- Bilruan ,P.S- Vijayepur, District - Gopalganj.
2. Adarsh Yadav S/O Vishwakarma Yadav R/O Village- Bilruan ,P.S- Vijayepur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Ms. Priya Raj, Advocate
For the Opposite Party/s	:	Mr.Syed Ehteshamuddin, APP
For the Informant	:	Mr. Sanjay Kumar Choubey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 10-04-2026 Heard Mr. Ajay Kumar Thakur duly assisted by Ms. Priya Raj, learned counsel for the petitioners, the State as also Mr. Sanjay Kumar Choubey, learned counsel for the informant.

2. The petitioners are in judicial custody in connection with Vijayipur P.S. Case No. 101 of 2024 for the offence punishable under Sections 307, 302, 201/34 of the Indian Penal Code lodged on 16.05.2024 by the informant, Wishwakarma Yadav.

3. As per the prosecution story, the informant is the father of the deceased, Archana Kumari and the allegation is that she went out to attend nature's call but failed to return.

4. Later, the villagers raised alarm about the alleged assault whereafter, upon reaching the place, found his daughter dead and an injured lying beside her with neck being injured.



Accordingly, the FIR.

5. As the investigation took place, it was found that it is the case of honour killing in which the petitioners who are brothers are involved, the deceased was their sister who was in relationship with Nitish, injured who was shifted to Gorakhpur Hospital.

6. Considering the aforesaid facts and the way the allegation came against these two petitioners which led the innocent girl to leave this world, the bail application was rejected on 09.12.2024 in **Cr. Misc. No. 64520 of 2024 (Vipin Yadav & Anr. vs. The State of Bihar)**.

7. This is the second bail application.

8. Earlier, this Court wanted report from the Trial Court vide an order dated 16.01.2026 and the report dated 10.10.2026 shows that out of seven charge-sheeted witnesses, four of them have been examined and the remaining witnesses include the Doctor, one independent witness as also Nitish who suffered injuries.

9. Learned counsel for the petitioners, Mr. Ajay Kumar Thakur has taken this Court to the depositions made by the informant who is father of the deceased and Bimla Devi who



is the mother of the injured, Nitish.

10.The sum and summary of both the prosecution witness no. 2 (Vishwakarma Yadav and P.W.--3, Bimla Devi) is/are that till date they do not know who killed the girl/injured Nitish.

11. The submission is that they have remained in custody since 31.05.2024, have no criminal antecedent, are young boys and if granted relief, shall ensure that they shall appear before the Trial Court without fail and in case of default, the Trial Court can take steps for cancellation of their bail bonds.

12. Further, if relief is granted, the two petitioners undertake not to come anywhere near the injured, Nitish and/or his family members and if any such complaint/report is submitted before the Police, they are ready to face the consequences.

13. Learned APP as also learned counsel for the informant opposes the prayer submitting that it is the case of alleged honour killing in which the two brothers of the deceased girl are involved. Nitish is yet to be examined.

14. This Court has gone through the facts of the case



and the submissions of the parties as also the progress of the Trial Court in which the informant (father of the deceased and the lady (mother of the injured) have been examined.

15. As the trial is on, this Court refrains from making any comment further.

16. Considering the aforesaid facts/undertaking as also the petitioners do not have criminal antecedent and are in custody since 31.05.2024, an undertaking has been given that they shall be diligently appearing in trial and failure to do so, the Trial Court shall immediately cancel their bail bonds also taking note of their undertaking that under no circumstances, they will come anywhere near the injured or his family members, in that background, till trial this Court is inclined to extend them the privilege of bail with conditions.

17. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District Judge-II, Gopalganj, in connection with Vijayipur P.S. Case No. 101 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official



document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station till conclusion of the trial to mark their attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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