IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77601 of 2026

CNR No. BRHC011130842026

Arising Out of PS. Case No.-342 Year-2026 Thana- SULTANGANJ District- Bhagalpur

==========

1. Gautam Yadav S/o Manoj Yadav Resident of village- Mirhatti, P.S.- Sultanganj, District- Bhagalpur
2. Manoj Yadav S/o Late Devichand Yadav @ Late Devi Yadav @ Late Devendra Yadav Resident of village- Mirhatti, P.S.- Sultanganj, District- Bhagalpur

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

==========

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioners and learned A.P.P for the State.

2. The petitioners seek bail in connection with Sultanganj P.S. Case No. 342 of 2026 dated 21.06.2026 registered for the offences punishable under Sections 189, 190, 191, 351(3), 352, 115(2), 126 and 103 of the B.N.S. Act and Section 27 of the Arms Act.

3. As per the prosecution case, the informant has alleged that 13 named accused persons had come over to his house and had dragged the informant's brother namely Rakesh and all the accused persons exhorted to kill him whereupon the

WEB COPY

co-accused, Saurabh Yadav opened fire twice on the informant's brother and one of the bullets hit his chest and he succumbed to the said injury.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated with general and omnibus allegations and they have no relations with the co-accused, Saurabh, who had shot upon the brother of the informant. It has further been submitted that the petitioners were merely bystanders and they had just stopped for witnessing the quarrel between the two sides and they have falsely been implicated at the behest of the villagers. It has been stated that no incriminating article was recovered from the conscious possession of the petitioners nor from the house of the petitioners and the police, after investigation, has also submitted charge-sheet against the petitioners on 18.09.2026. It has lastly been submitted that the petitioners have clean antecedent and the petitioner no. 1 is in custody since 29.06.2026 while the petitioner no. 2 is in custody since 30.06.2026.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioners.

6. Having heard learned counsel for the parties and taking into account that there is no specific allegation of overt

WEB COPY

act against the petitioners and at best they can be said to be the members of the unlawful assembly and considering the period of custody, the petitioners are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor court in connection with Sultanganj P.S. Case No. 342 of 2026, subject to the following terms and conditions :-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will liable to be cancelled by the Court concerned.

(iv) The trial court shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the trial court shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of

WEB COPY

the same on in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

Gautam/-

U		T	

WEB COPY