

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4548 of 2025

Arising Out of PS. Case No.-323 Year-2025 Thana- ARA NAGAR District- Bhojpur

Manish Kumar Son of Ram Niwas Ray R/o Village- Dumariya, P.S.- Bihta,
District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudama Ram Son of Biswanath Ram Resident at Shivganj Amedkar Kaloni,
P.S.- Ara Nagar, District- Bhojpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Dharmesh Kumar Shrivastava, Advocate
For the Respondent/s : Mr. Binay Krishna, Spl.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 13-05-2026 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. The instant appeal has been filed by the appellant against the order dated 11.09.2025 passed by learned Additional Sessions Judge-cum-Special Judge, SC/ST, Bhojpur at Ara whereby the prayer for bail of the appellants in connection with Ara Town P.S. Case No. 323 of 2025 under Sections 103(1) and 61(2) of B.N.S., Section 27 of the Arms Act and Sections 3(2)(v) of SC/ST Act and later on, Sections 25(1-b)a, 26 and 35 of the Arms Act was added, was rejected.

3. The case of the respondent is that the son of the respondent was sitting before his door. At that time, three persons on a pulsar bike arrived and started making firing



indiscriminately. The respondent came out of the house hearing the sound of the firing and saw that Sudhir Yadav, Jitendra Yadav and Amit Yadav were there. Sudhir Yadav and Jitendra Yadav were firing with pistol. The son of the respondent fell down there in a pool of blood. It is further alleged that Amit was driving the pulsar and kept his bike in start mode. The injured was rushed to the Sadar Hospital where he was declared dead. It is further alleged that near the house of the respondent, there is cowshed of Manoj Yadav, Musa Yadav and Pramod Yadav. It is alleged that they along with son-in-law of Pramod Yadav, namely, Sonu Yadav have worked as liner. They were seen in the morning between 7:00 A.M. to 8:00 A.M. passing by bike and were calling on mobile somebody.

4. It is submitted by learned counsel for the appellant that appellant is innocent and he has been falsely implicated in this case. From perusal of the F.I.R., it is clear that the main thrust of allegation is against Sudhir, Jitendra and Amit. There is no any specific overt act against this appellant. During course of investigation, Sudhir Yadav, one of the assailants has given his confessional statement and in his confessional statement, he has named this appellant. It has also been submitted that save and except confessional statement, there is nothing against this appellant. A statement has been made in para-3 of this petition



that the appellant has got no criminal antecedent. Moreover, he is languishing in judicial custody since 18.05.2025. Learned counsel has further submitted that similarly situated other co-accused persons have already been granted bail by this court vide Cr. APP(SJ) Nos. 4289 of 2025 and 4273 of 2025.

5. The appeal for bail is vehemently opposed by learned Spl. P.P. for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 11.09.2025 passed in connection with Ara Town P.S. Case No. 323 of 2025 is hereby set aside.

7. The appellant is directed to be enlarged on bail in connection with Ara Town P.S. Case No. 323 of 2025 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st, Bhojpur at Ara.

(Ashok Kumar Pandey, J)

Shubham/-
Sneha/-

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