

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82214 of 2025

Arising Out of PS. Case No.-489 Year-2025 Thana- WAJIRGANJ District- Gaya

1. Mahendra Yadav Son of Keshar Yadav Resident of Village- Bihiyan Ps- Wazirganj, Dist- Gaya Ji
2. Chandan Kumar Son of Mahendra Yadav Resident of Village- Bihiyan Ps- Wazirganj, Dist- Gaya Ji
3. Rupesh Kumar son of Mahendra Yadav Resident of Village- Bihiyan Ps- Wazirganj, Dist- Gaya Ji
4. Sanjay Kumar @ Sanjay Yadav Son of Mahendra Yadav Resident of Village- Bihiyan Ps- Wazirganj, Dist- Gaya Ji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Rakesh Kumar Sharma, Advocate

For the State : Dr. Indiwari Kumari, APP

For the Informant : Mr. Ravi Nandan, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 18-02-2026 Heard learned senior counsel for the petitioners,
learned counsel for the informant and learned APP for the State.

2. The petitioners seek bail in a case registered for the offence punishable under Sections 191(2), 191(3), 190, 126, 115 (2), 103(1), 303(2), 352, 351(2) of the B.N.S.

3. As per the prosecution case, when informant's brother was coming to his house on a vehicle, all the accused persons surrounded him and assaulted indiscriminately by means of iron rod and *khanti* due to which he died.



4. Learned senior counsel for the petitioners has submitted that the First Information Report itself would indicate that when the deceased had reached the house of Mahendra Yadav who is petitioner no. 1 his vehicle was stopped and as many as 14 persons indulged in assaulting the deceased indiscriminately with iron rod and khanti on account of which he suffered serious injury and finally succumbed to the injuries received. It has been pointed out that in the later part of the First Information Report, it has been stated that petitioner no. 1, Mahendra Yadav and one Vijay Yadav had ordered for killing the deceased and co-accused Vijay Yadav had been granted default bail by the Court below. It is further submitted that postmortem report indicates certain injuries but one is sharp cut injury and other two are in the nature of abrasion. The petitioner no. 1 (Mahendra Yadav) is a senior citizen of 65 years having no criminal antecedent and he is in custody since 31.07.2025 and only charge-sheet has been submitted. Since the case has not even been committed to Court of Session, there is no likelihood of the case reaching its conclusion.

5. Learned APP for the State and learned counsel for the informant have vehemently opposes the bail application and a counter affidavit has also been filed stating that the deceased



was working in Para Military force who was brutally assaulted by the petitioners and even thereafter they have been continuously threatening the witnesses to withdraw the case or they would suffer dire consequences.

6. Taking into consideration the facts and circumstances of the case and also considering the fact that so far as petitioner no. 1, namely, Mahendra Yadav is concerned, the allegation against him is confined to the fact that he was an order-giver and there is no allegation upon him being involved in assault of the deceased, coupled with the fact that he is a senior citizen and he is in custody since 31.07.2025 with no likelihood of the trial being concluded when it has not even commenced, let the petitioner no. 1, namely, Mahendra Yadav be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gaya Ji/concerned Court below in connection with Wazirganj P.S. Case No. 489 of 2025, with condition that:

(I) The petitioner no. 1 shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons and cooperate also in getting the charges framed, failing which his



bail bonds shall be liable to be cancelled by the learned court concerned.

7. So far as petitioner nos. 2 to 4 are concerned, since there are allegations of assault upon them and the deceased had died on account of such assault, I am not inclined to grant bail to the petitioner nos. 2 to 4.

8. Accordingly, the application on behalf of petitioner nos. 2 to 4 stands rejected for the present.

9. In view thereof, the application is partly allowed.

(Soni Shrivastava, J)

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