

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81057 of 2025

Arising Out of PS. Case No.-171 Year-2025 Thana- DUMRA District- Sitamarhi

Vijay Yadav @ Vijay Prasad Yadav Son of Late Mauje Yadav @ Mauje Ray Resident of Village - Dharmana @ Dharbana, Police Station - Dumra, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mrs.Jyoti Kumari, Advocate
For the State	:	Mr.Yogendra Kumar Singh, APP
For the informant	:	Mr.Sanjay Kumar, Advocate Mr.Mahendra Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-01-2026 Heard learned counsel appearing on behalf of the petitioner, learned A.P.P. for the State and learned counsel for the informant.

2. The accused/petitioner seeks bail in connection with Dumra P.S. Case No. 171 of 2025 registered for the offences under Sections 103(1), 103(2) and 61 of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. A report regarding progress of trial was also called for from the learned trial court which was not made available to this Court today, but Ms. Jyoti Kumari, learned counsel appearing for the petitioner, made statement at bar that no prosecution witness was examined in this case and this case



was committed to the court of session only on 05.01.2026.

4. The accused/petitioner is named in the First Information Report and is in custody since 03.06.2025.

5. As per FIR, the son of the informant was assaulted by 26 named and seven unknown persons on the pretext of checking his two laptops out of certain suspicion (not disclosed). It is alleged that son of the informant was taken away to the nearby room where he was physically assaulted by co-accused Rajesh Yadav by using knife and also by Vijay Yadav (petitioner) by using electric shock.

6. It is submitted by learned counsel appearing on behalf of the petitioner that several accused persons have been granted bail by different learned coordinate Benches of this Court through Cr. Misc. No. 56517 of 2025 dated 17.10.2025; Cr. Misc. No. 62826 of 2025 dated 17.09.2025; Cr. Misc. No. 71767 of 2025 dated 12.11.2025; Cr. Misc. No. 71990 of 2025 dated 12.11.2025 and Cr. Misc. No. 73020 of 2025 dated 12.11.2025.

7. It is also submitted that through Cr. Misc. No. 56517 of 2025, the co-accused Rajesh Yadav who was



specifically alleged through FIR to cause multiple knife injury upon deceased, was also granted bail considering the nature of allegation general and omnibus.

8. It is also pointed out that no knife injury as alleged was found upon post-mortem and, therefore, the implication appeared as an afterthought to implicate petitioner falsely with present case, however, it is conceded that cause of death was due to electric shock and physical assault. It is submitted that informant raised specific allegation through FIR that this petitioner given an electric shock to the deceased son of the informant during the occurrence but in this connection, an attention of this Court was drawn towards para 41 of the case diary, where re-statement of the informant was recorded during course of investigation, where it is alleged that it was Rajesh Yadav (co-accused) who has been granted bail as discussed aforesaid, and his family members without specifying name of this petitioner, by giving multiple blow of knife and also by giving electric shock killed his son during the occurrence, which appears to be taken place inside a closed room and, therefore,



the specific role attributed to petitioner also appears doubtful.

9. While concluding argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

10. Learned A.P.P. for the State duly assisted by Mr. Mahendra Thakur, learned counsel appearing for the informant, while opposing the prayer of bail of the petitioner, submitted that the allegation to give electric shock is specifically available against this petitioner which appears corroborating with post-mortem report as cause of death. However, learned counsel for the informant could not disputed the re-statement made by informant during course of investigation as available under para 41 of the case diary where he missed to name this petitioner and in very general and omnibus manner raised allegation *qua* electric shock that it was given by Rajesh Yadav and his family members.

11. In view of aforesaid factual submission and by taking note of the fact as the informant fails to name this



petitioner while recording his re-statement, as discussed aforesaid, to cause electric shock, as alleged through FIR, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 03.06.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi/concerned court, in connection with Dumra P.S. Case No. 171 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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