

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85789 of 2025

Arising Out of PS. Case No.-306 Year-2023 Thana- UJIYARPUR District- Samastipur

Ajay Yadav @ Jatha S/O Chandrika Yadav Village - Bhawanibigha @bhavani
bigha, P.s.- Chiksaura, District -Nalanda. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

WITH
CRIMINAL MISCELLANEOUS No. 90880 of 2025

Arising Out of PS. Case No.-306 Year-2023 Thana- UJIYARPUR District- Samastipur

Balgovind Yadav @ Bhakhlu Yadav @ Gope @ Balgovind Gope @
Balgovind Prasad S/O Hari Nandan Gope R/O village- Sandh Bigha, P.S-
Karai, District- Nalanda. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 85789 of 2025)

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 90880 of 2025)

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 25-02-2026 As both the cases arise out of the same police station case number, hence with consent of the parties, they have been heard together for final disposal at this stage itself.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners seek bail in a case registered for the offence punishable under Sections 302, 307, 353, 323 and 34 of the Indian Penal Code and Sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.



4. As per the prosecution case, the allegation against the petitioners is that they actively participated in the commission of theft of buffalo and in the murder of the S.H.O.

5. It is submitted by learned counsel for the petitioners that the petitioners have not been named in the F.I.R. rather only Meghu Prasad has been named to be roaming with his 10-15 associates to steal the cattle. On the intervention of the police, 10-12 persons of his gang came to their rescue and it is alleged in the First Information Report that one out of them fired at the S.H.O. leading to his death. It is further submitted that only material available during the course of investigation is the confessional statement of co-accused, Dhananjay Kumar, which finds place in para-86 of the case diary, a perusal of which indicates that the said Dhananjay Kumar has confessed his guilt and narrated the whole incident in sequence. So far as these petitioners are concerned, they have only been made accused in this case as being the members of the gang of Meghu Prasad, who were engaged in making plans for stealing cattle. It has also been submitted that despite the claim of the informant of identifying the criminals, the petitioners had not been put on test identification parade. Petitioner, Ajay Yadav alias Jatha is in custody since 25.01.2025 and petitioner, Balgovind Yadav @ Bhakhlu Yadav @ Gope @ Balgovind



Prasad is in custody since 12.10.2024 and only the charges have been framed in the case.

6. Learned APP for the State opposed the bail petitions on the grounds of allegations made in the F.I.R. and that the petitioner, Ajay Yadav alias Jatha has five criminal antecedents, while Balgovind Yadav @ Bhakhlu Yadav @ Gope @ Balgovind Gope @ Balgovind Prasad has nine criminal antecedents. In response, it is submitted that petitioners are on bail in all the cases.

7. Taking into consideration the facts and circumstances of the case and also considering the fact that these petitioners are not the main assailants rather members of gang and are in custody for about more than one year coupled with the fact that the charges have been framed, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Ujiyarpur P.S. Case No.306 of 2023.

(Soni Shrivastava, J)

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