

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85195 of 2025

Arising Out of PS. Case No.-332 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Akhilesh Kumar, Son of Dinesh Yadav @ Dinesh Prasad Yadav, Resident of
Village - Gobargardha, Ward No. 2, P.S. and Dist- Saharsa, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Subesh Sharma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-02-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Sessions Trial No.277 of 2025 arising out of Saharsa Sadar P.S. Case No.332 of 2025 registered for the offences punishable under Sections 126(2), 352, 109 read with 3(5) of the Bhartiya Nyaya Sanhita, 2023 (for short 'B.N.S.') and Section 27 of the Arms Act but, later on, Section 25(1-B)a, 26, 35 of the Arms Act and Section 103(1) of the B.N.S. were added in the FIR.

3. The accused/petitioner is not named in the FIR and is in custody since 19.03.2025.

4. As per FIR, petitioner along with other named



and unknown co-accused persons shot dead the brother of the informant on 15.03.2025 at about 4:40 PM.

5. Learned counsel appearing for the petitioner submitted that from facial perusal of the FIR itself, it can be gathered safely that *prima facie* no overt act appears attributed to this petitioner. It is submitted that the name of this petitioner transpired in this case merely on the basis of call detail report (C.D.R.) of the mobile of this petitioner. It is submitted that the thrust of allegation as to cause fatal firearm injury is available against co-accused persons namely, Md. Monajir and Md. Mojahir. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence and moreover petitioner found involved in two more criminal cases, where he is on bail.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as *prima facie* no overt act appears to be



attributed *qua* petitioner, rather thrust of allegation as to cause fatal firearm injury is available against co-accused namely, Md. Monajir and Md. Mojahir, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 19.03.2025, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV, Saharsa in connection with Saharsa Sadar P.S. Case No.332 of 2025, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J.)

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