

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86908 of 2025

Arising Out of PS. Case No.-156 Year-2024 Thana- Patarghat District- Saharsa

Ram Kumar Yadav S/O Khushilal Yadav R/O Vill.- Uthi Navtoliya, ward no.-
15, P.S- Saurbazar, District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Krishna Prabhat
For the Opposite Party/s :	Mr.Madhuri Lata
For the informant :	Mr. Rashmi Jha, Advocate
	Mr. Ujjwal Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-01-2026 1. Heard the parties.

2. The petitioner has renewed his prayer for bail in connection with S.T. Case No. 69 / 2025 arising out of Patarghat P.S. Case No. 156 of 2024 dated 02.08.2024 registered under Section 126(2), 115, 103(1), 61, 354, 351(2), 3(5) of the B.N.S. 2023 and Section 25(1-B)A, 26, 27 of the Arms Act.

3. As per the F.I.R. on 01.08.2024 in the evening at about 7:00 P.M., one co-accused Rakesh Yadav came at the house of the informant and took her husband along with him. The informant overheard co-accused Ashok Yadav saying on phone that her husband was required to be killed today and was accompanying with Rakesh Yadav. Upon hearing the conversation, the informant ran for search of her husband and at



a distance of about 500 meters from her house she saw seven accused persons armed with pistols along with another group of 15 accused persons armed with lathi assaulting her husband with an intention to kill. The persons having pistol in their hands were firing upon her husband one by one in the result the informant's husband died.

4. Learned counsel for the petitioner submits that bail application of the petitioner was earlier rejected by this Court on merit by order dt. 18.04.2025 passed in Cr. Misc. No. 9559 of 2025 giving observation that the petitioner may renew his prayer for bail after six months if the trial does not show any progress. He further submits that altogether 24 persons have been named in the F.I.R. and the allegation against them is of assaulting and firing upon the informant's husband. The informant's husband was a person of criminal background having four cases registered against him and there is possibility that some unknown persons might have committed the offence and the petitioner along with others have wrongly been implicated in this case due to land enmity. The co-accused Ashok Yadav was having inimical terms with the deceased inasmuch as the daughter of Ashok Yadav was kidnapped by the deceased and other co-accused persons for which Patarghat P.S.



Case No. 10 of 2024 was lodged against the deceased under Section 366A, 363 of the I.P.C. and Section 12 of the POCSO Act in which charge sheet has also been submitted under Section 376 I.P.C. He next submits that in her re-statement the informant has disclosed entirely different story and has said that on hearing gun shot she went at the place of occurrence whereas in the F.I.R. she is claiming to be an eye witness. The allegation of firing is against seven persons one by one but only six gun shot injury has been found on the body of the deceased. Learned counsel next submits that out of twelve charge sheet witnesses , four witnesses have been examined and there is no possibility that that petitioner will abscond, tamper with the evidence or influence the witnesses.

5. On the other hand, learned counsel for the informant opposed the prayer for bail and submits that the petitioner is named in the F.I.R. and the informant is an eye witness. All seven persons including the petitioner were holding gun in their hand and were firing upon the informant's husband.

6. Having regard to the submissions made by the parties, taking into consideration the fact that petitioner is in custody since 28.09.2024, trial is in progress and out of twelve charge sheet witnesses four witnesses including the informant have



been examined, there is no flight risk of the petitioner and no possibility that he will influence the witnesses or tamper with the evidence, accordingly, I am inclined to grant regular bail to the petitioner.

7. Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000 /- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Addl. Sessions Judge II, Saharsa in connection with S.T. Case No. 69 / 2025 arising out of Patarghat P.S. Case No. 156 / 2024 with the condition that on each and every date he will participate in the trial and in case of default on two consecutive dates without prior permission of the trial court, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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