

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87648 of 2025

Arising Out of PS. Case No.-112 Year-2025 Thana- ASHTHAWAN District- Nalanda

Chandan Kumar, aged about 29 years (Male), son of Sibalak Yadav, resident of village- Dhobi Bigha, Police Station- Ashthawan, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP
For the Informant	:	Mr. Raj Kishore Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 11-02-2026 Heard learned counsel for the petitioner; learned Additional Public Prosecutor for the State as well as learned counsel for the informant, who has appeared *suo motu*.

2. The petitioner seeks bail in connection with Asthawan PS Case No.112 of 2025 dated 10.04.2025, instituted for the offence punishable under Sections 115(2), 126(2), 118(2), 103(1), 35, 3(5) of the *Bharatiya Nyaya Sanhita*, 2023 and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that while the informant was working in his filed, the petitioner and his father, Shiv Balak Yadav along with others indulged in abuse and assault causing injuries to the informant and the informant's father, who succumbed to the injuries.

4. Learned counsel for the petitioner submits that



there is general and omnibus allegation against the petitioner. It is specifically alleged that the petitioner fired from roof on the informant which hit in his leg. There is nothing specific as to who assaulted the father of the informant. It is also submitted that there is no injury report of the informant available in the case diary. Further submission is that the petitioner had no role in the assault of the deceased since as per the prosecution version itself the petitioner was at the roof of his house. Further submission is that father of the petitioner Sibalak Yadav @ Shiv Balak Yadav has already been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No.61277 of 2025. Lastly, it is submitted that the petitioner is in custody since 24.05.2025 having one criminal case against him.

5. Learned APP as well as learned counsel for the informant has opposed the prayer for bail. Learned counsel for the informant submits that there is specific allegation against the petitioner that he fired on the person of the informant which hit in his leg. There is also allegation of assault against the petitioner in the FIR.

6. Having considered the facts and circumstances of the case and the fact that there is no specific allegation of assault against the petitioner on the person of the deceased and the fact



that the injury report of the injured-informant is not available in the case diary, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Nalanda at Bihar Sharif, in Asthawan PS Case No.112 of 2025, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall remain present each and every date fixed by the Court and his absence on two consecutive dates without sufficient reason shall make his bail bond cancelled, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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