

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.158 of 2025

Arising Out of PS. Case No.-82 Year-2022 Thana- MORKAHI District- Khagaria

Rupesh Yadav @ Rupesh Kumar Son of Botal Yadav @ Surendra Yadav
Village -Santosh ward no 10 P.O -Chatar P.S- Alauli District -Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vivekanand Singh, Advocate Mr. Manoj Kumar Singh, Advocate Mr. Ankit Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Nand Kishore Prasad, APP
For the Informant	:	Mr. Piyush Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-01-2026 Heard Mr. Vivekanand Singh, learned senior
counsel for the petitioner, Mr. Piyush Tiwari, learned counsel for
the informant and Mr. Nand Kishore Prasad, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
14.12.2022 in connection with Morkahi P.S. Case No. 82 of
2022, F.I.R. dated 03.08.2022 for the offences punishable under
Sections 302/34 of the IPC and Section 27 of the Arms Act.

3. Earlier the petitioner has moved before this Court
for grant of regular bail in Cr. Misc. No. 21342 of 2023 but the
same was dismissed vide order dated 12.07.2023 by a Co-
ordinate Bench of this Court. Thereafter, the petitioner has



moved before the Hon' ble Apex Court in Special Leave Petition (Criminal) Diary No. (S) 52342 of 2023 but the was withdrawn vide order dated 04.06.2024.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. As per the allegation in the F.I.R, the petitioner and other accused persons have fired upon the deceased due to which he sustained several firearm injuries on his body. He further submits that he has falsely been implicated in the present case due to political rivalry as the deceased was elected for PACS President post and the petitioner and his family members were the rival contestants. According to the F.I.R, the alleged occurrence took place on 01.08.2022 but the present F.I.R has been instituted on 03.08.2022 i.e., after delay of 2 days without giving any explanation of the said delay, afterthought only to falsely implicate the petitioner. From perusal of the F.I.R it appears that co-accused, Sanjay Yadav fired upon the head of the deceased, this petitioner open fired second shot between the chest and belly of the deceased, co-accused Botal Yadav @ Surendra Yadav open fired third shot in between thigh and hydrocele and co-accused Subhas Kumar Yadav open fired fourth shot on the hand of the deceased. The



deceased was brought to the Sadar Hospital where the doctor declared him dead. He further submits that as per the allegation, co-accused Sanjay Yadav fired on the head of the deceased and the deceased after sustaining firearm injury fell down from his motorcycle and Subhas Kumar Yadav fired fourth shot on his hand but during the course of investigation, the I.O. submitted Chargesheet No. 60 of 2023 and exonerated the co-accused Sanjay Yadav and Subhas Kumar Yadav from the charges and has not sent them up to face the trial. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Jitesh Kumar has been granted bail by this Court vide order dated 24.04.2023 passed in Cr. Misc. No. 65993 of 2022 and co-accused, Botal Yadav @ Surendra Yadav against whom there is allegation of firing has been granted bail by a Co-ordinate Bench of this Court vide order dated 08.12.2025 passed in Cr. Misc. No. 77250 of 2025 and the said Botal Yadav is the father of the petitioner. From perusal of the postmortem report it appears that the cause of death is firearm injury and there are several firearm injuries found on the body of the deceased where one of the injury was inflicted by the petitioner. Two of the co-accused persons have been exonerated by the



prosecution. The petitioner is in custody since 14.12.2022.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, due to political rivalry the name of the petitioner has been transpired in the present case, similarly situated co-accused persons have been granted bail as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-V, Khagaria in connection with Morkahi P.S. Case No. 82 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.



iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

