

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89996 of 2025

Arising Out of PS. Case No.-283 Year-2025 Thana- MAKHDUMPUR District- Jehanabad

Yogendra Yadav @ Manjhala Yadav S/o- Kishori Yadav Village- Chhajjopur
Police Station- Makhdumpur District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mithilesh Prasad Sharma, Advocate
For the Informant	:	Mr. Gyanendra Kumar, Advocate
For the State	:	Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-01-2026 Heard Mr. Mithilesh Prasad Sharma, learned counsel
for the petitioner, Mr. Gyanendra Kumar, learned counsel for the
Informant and Mr. Amitesh Kumar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 23.07.2025, in connection with Makhdumpur P.S. Case No. 283 of 2025, F.I.R. dated 26.04.2025 registered for the offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

3. The prosecution case, in brief, is that on 25.04.2025 at about 7:15 P.M., the informant's son Bablu Kumar along with his friend Rohit Kumar was going to Makhdumpur by cycle and as soon as they reached near *chhota pool*, situated in Dhankaul, two unknown miscreants boarded on motorcycle fired upon the son of



the informant which hit in his back side of head thereafter they fled away. It is further alleged that with the help of police the informant's son was brought to Makhdumpur Hospital from where he was referred to PMCH, Patna for better treatment where the son of the informant was declared dead.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person, namely, Dablu Kumar which was recorded in paragraph-51 of the case diary and except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and co-accused Dablu Kumar has confessed his guilt in the present occurrence and he has given detailed *modus operandi* as to how the occurrence of murder was committed with the connivance of other co-accused persons including the petitioner. Learned counsel for the petitioner further submits that although the name of the petitioner has been transpired on the basis of confessional statement of co-accused person but from perusal of the confessional statement of co-accused person, namely Dablu Kumar which was recorded in paragraph 21 of the case diary



which suggests that co-accused Ruhul Kumar has fired upon the victim and Dablu Kumar has not assigned any role in the present occurrence with regard to the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.07.2025.

5. Learned counsel for the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that on the basis of confessional statement of co-accused person, namely, Dablu Kumar, the arms which was used in the present occurrence has been received by the prosecution but fairly submits that said Dablu Kumar has not assigned any role in the present occurrence with regard to the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent as well as he is not named in the F.I.R. and co-accused Dablu Kumar has not assigned any role to the petitioner in the present occurrence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge I-cum-Additional Chief Judicial Magistrate, Jehanabad in connection with Makhdumpur P.S. Case No. 283 of 2025, subject to the following conditions :-



(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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)

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