

Mufassil P.S. Case no. 49/2026
U/S 309(6), 309(4), 311, 317(2) of the B.N.S.
Accused Name- Manish Kumar Yadav
P.O.-Asutosh Rai. A.S.J.-II, Katihar
B.P. No. 516/26

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IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-II
DISTRICT-KATIHAR
(B.P. No. 516/26)

1. Manish Kumar Yadav, S/o Late Doman Yadav @ Ramu Yadav
R/o Vill- Marangi, P.S.- Mansahi, District- Katihar

.....Accused/petitioner.

Vs

State of Bihar.....Opposite Party.

Mufassil P.S. Case no. 49/2026

U/S- 309(6), 309(4), 311, 317(2) of the B.N.S.

Ld, advocate for petitioner- Shri R.P. Jaishwal

Ld, A.P.P. for the State- Shri Md. Ajaz Alam

ORDER

26.05.2026- This petition for regular bail has been filed on the behalf of the accused-petitioners namely Manish Kumar Yadav who is in custody since 08.02.2026 in connection with Mufassil P.S. Case no. 49/2026 P.S. instituted U/S- 309(6), 309(4), 311, 317(2) of the B.N.S.

Heard the Ld. Counsel Shri R.P. Jaishwal appearing on the behalf of the petitioner and Ld. A.P.P. Shri Md. Ajaz Alam on behalf of the state.

According to F.I.R. prosecution case in nutshell is that informant to the case namely Raja Kumar Sah gave a fard-e-beyan to the police officer to this effect that on dated 06.02.2026 at about 10:00 O'clock in night he was going his house situated at Hafla by way of Toto (E-rickshaw) and when he arrived near the Besharma pul then three accused persons intercepted his Toto and out of them one asked from him that you will go to Manihari but informant refused to go to Manihari then all accused persons abused to the informant and one accused took him on the point of country made pistol and one accused pressed his mouth and assaulted to the informant and one accused gave a blow of knife on the informant due to which informant got injured and got drenched with blood after that accused persons took out one mobile of Vivo company and some amount from the pocket of informant and fled away. Later on, informant was taken to Sadar Hospital for treatment.

It would to be pertinent to mention here that on the basis of Fard-e-beyan formal F.I.R. was registered against the unknown accused persons but during the investigation the name of present petitioner namely Manish Kumar Yadav surfaced in this case.

On the other side learned counsel for the petitioner has reiterated all the grounds taken in the bail petition and has submitted that the petitioner is innocent and he has committed no offence. He has further submitted that F.I.R. itself assigns unknown and the name of the petitioner has not given by the informant in the F.I.R. and petitioner has been arrested on 08.02.2026 for the occurrence on 06.02.2026 and forwarded in this case by the police on mere suspicion. He has further submitted that petitioner has not committed any offence and as per confessional statement of co-accused Md. Shahid is concern the same has been recorded by the police after taking custody which may not be applicable against the petitioner. He has further submitted that so far as the confessional statement of co-accused Shahid the same as been recorded on 25.02.2026 to keep the snatched Vivo Mobile to petitioner has been recovered from his pocket on the nahar of Marangi Village on search by

the police. He has further submitted that in the entire F.I.R. no specific allegation has been levelled against the petitioner or his hand in looting property or causing hurt and alleged section is not applicable against the petitioner. He has further submitted that all the witness are members of the family of the informant and far from the P.O. and no independent witness has been examined by the police and the police has submitted charge-sheet in the case on 01.04.2026 and no evidence whatsoever has come on record as against the petitioner. He has further submitted that there is no eye witness to the occurrence and the injury reported in injury report is simple in nature. Accused-petitioner is in custody since 08.02.2026. Accordingly, it has been prayed to allow the said bail petition.

Per contra, learned A.P.P. appearing for the state has opposed the prayer for bail and has submitted that from record it is evident that accused-petitioner was involved in this alleged occurrence as one stolen mobile has been recovered from the possession of accused-petitioner. So, he doesn't deserve for regular bail.

Heard the both parties and perused the entire case record from perusal of the case record it is evident that present petitioner is not named accused of F.I.R. but his name has been surfaced in this case on the basis of statement made by one witnesses of case diary namely Santosh Kumar.. Further during the investigation accused-petitioner was apprehended by the police and from his possession one mobile of Vivo company belongs to the informant was recovered. Further, in his confessional statement accused-petitioner confessed his involvement in this alleged occurrence. Moreover, from record it prima facie appears that present petitioner and his other associates committed alleged loot and during the loot they brutally assaulted to the informant due to which he sustained altogether four injuries on his person. The act and activities of the present petitioner appears to be highly daring and anti-social and if the bail of such persons is allowed then the life and property of common people of society will be in danger.

So, having consideration the above facts and circumstances of this case as well as gravity of this case and submission of the Ld. A.P.P. appearing for the state, I am not inclined to enlarge the above named accused petitioner on the bail. Accordingly, bail petition filed on behalf of the accused-petitioner namely Manish Kumar Yadav is hereby rejected.

**Addl. Sessions. Judge-II
Katihar**

Date of Order	26.05.2026
Date of Reserving Order	N/A
Uploading Date	04.06.2026
Uploaded By	Prakash Kumar Singh, Steno D.A.S.J.-II, Katihar