

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35406 of 2024

Arising Out of PS. Case No.-364 Year-2023 Thana- GOGRI District- Khagaria

1. Rambilash Yadav Son of Tej Narayan Yadav R/O Village- Usri, P.S.- Gogri, Dist-Khagaria
2. Praveen Yadav Son of Rambilash Yadav R/O Village- Usri, P.S.- Gogri, Dist-Khagaria
3. Pramod Yadav @ Amit Kumar Son of Rambilash Yadav R/O Village- Usri, P.S.- Gogri, Dist-Khagaria
4. Rajeev Kumar Yadav @ Kumod Yadav Son of Rambilash Yadav R/O Village- Usri, P.S.- Gogri, Dist-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivekanand Singh, Adv.

For the Opposite Party/s : Ms.Renu Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 27-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Gogri P.S. Case No. 364 of 2023 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 25(1-B)a, 26(1), 35, 27(1) of the Arms Act.

3. As per prosecution case, the allegation against the accused persons including the petitioners is of firing upon the elder son of the Informant due to which the deceased sustained gunshot injury on his left chest and he died at the spot. It is



alleged after firing, two of the accused persons managed to flee away from the place of occurrence but, one of them namely, Santosh Yadav was apprehended and assaulted by the mob and was handed over to the police.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case merely on the basis of suspicion. The petitioner no.1 is the father and petitioner nos. 2 to 4 are the sons of the petitioner no.1. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. There is no specific or direct allegation of any overt act against the petitioners rather the same is general and omnibus in nature. He further submits that there is a land dispute between the parties. The petitioners have two criminal antecedents each and, in both of them, they are on bail as has been stated in paragraph no.3 of the present anticipatory application. The petitioners have no concern with the alleged occurrence.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the nature of allegation as alleged against the petitioners is serious in nature. The postmortem



report also supports the prosecution case. Different witnesses in Paras- 7, 8, 101, 102, 103, 110, 111, 112 of the case diary have supported the prosecution case. The witness in Para-143 of the case diary has also stated about the petitioners being involved in the alleged occurrence. The petitioners are named in the F.I.R. and, hence, they do not deserve anticipatory bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the nature and gravity of of the offence, this Court is not inclined to grant bail to the petitioners.

7. Accordingly, the prayer for bail of the petitioners, above named, is rejected with a direction to the court below to expedite the trial.

8. If the trial is not concluded within a period of nine months from today, the petitioners will be at liberty to renew their prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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