

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19296 of 2025

Arising Out of PS. Case No.-467 Year-2013 Thana- GAYA KOTWALI District- Gaya

Gopal Yadav Son of Lalu Yadav Resident of Village- Kandi, P.S. - Chandauti,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 16-04-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Kotwali P.S. Case No. 467 of 2013 registered on 20.11.2013 for the offenses punishable under Sections 147, 148, 149, 341, 323, 307,, 353, 452, 380, 354, 504, 427 of the Indian Penal Code.

3. As per the prosecution, the F.I.R. has been lodged against five named and 10–12 unknown accused persons, alleging that they abused and assaulted the doctors of the hospital. The accused are also alleged to have misbehaved with the nurses and other hospital staff after handing over the dead body to the informant's family.

4. Learned counsel for the petitioner submits that the



allegations made are omnibus and general in nature. It is further submitted that the petitioner is not named in the F.I.R.; his name surfaced during the course of investigation. Learned counsel also contends that while rejecting the bail application, the trial court primarily relied on the ground that the petitioner has criminal antecedents, as several cases are pending against him. However, in all three such cases, the petitioner has already been granted bail. He further submits that one of the co-accused named in the F.I.R. has been granted bail by a co-ordinate Bench of this Court vide order dated 08.06.2016, passed in Criminal Miscellaneous No. 17693 of 2015.

5. Learned A.P.P. for the State vehemently opposes the prayer for bail and submits that although it is true that the petitioner has criminal antecedents, it is also true that the offence under the Bihar Medical Service Institution and Person Protection Act, 2011 is punishable with imprisonment of up to three years and a fine of ₹50,000/-. He further submits that after receiving information in 2019 regarding the rejection of his anticipatory bail, the petitioner took no further steps in the matter for a considerable period. It was only on 09.01.2025 that he filed a second anticipatory bail application before the learned Sessions Judge, and after its rejection, he approached this Court.



6. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Kotwali P.S. Case No. 467 of 2013, pending before the learned CJM, Gaya, is hereby rejected.

7. However, it is directed that the petitioner shall surrender before the Trial Court within a period of four weeks from today. In case the petitioner surrenders within this period, the Trial Court is directed to pass an order on his surrender-cum-bail application on the same day, without being prejudiced by the fact that the petitioner's anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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