

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18653 of 2025

Arising Out of PS. Case No.-33 Year-2024 Thana- MOHAMMADPUR District- Gopalganj

Gulshan Yadav Son Of Ramkesh Yadav Resident Of Village - Banuahadih,
Police Station - Khutahan And District - Jaunpur (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hansraj, Advocate
	:	Mr. Shashi Ranjan Kumar, Advocate
For the Opposite Party/s	:	Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 25-07-2025 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. This is the 2nd attempt of the petitioner. Earlier the
bail application of the petitioner was rejected *vide* order dated
10.07.2024 passed in Cr. Misc. No. 47573 of 2024.

3. The petitioner seeks regular bail in a case registered
for the offence under Sections 302, 201, 34 of the Indian Penal
Code.

4. The following order was passed on 10.07.2024 in
Cr. Misc. No. 47573 of 2024 :-

*Heard the learned counsel
for the petitioners and learned counsel
for the State.*

*2. The petitioners seek bail in
connection with Mohammadpur P.S.
Case No. 33 of 2024 registered for the*



offence under Sections 302, 201 read with Section 34 of the IPC.

3. As per the prosecution story, the dead body of unknown victim was recovered and subsequently, the dead body was found to be of one Soni Kumari. Thereafter, the petitioner no.2, Gulshan Yadav was arrested along with the murder weapon and he made a self inculpatory statement that his brother Ramesh Yadav was in a relationship with Soni Kumari and they were staying in Surat. Gulshan Yadav plotted conspired with co-accused, Pawan Kumar, Chandan Kushwaha and Shivam to kill Soni Kumari. They called Soni Kumari and Ramesh Yadav, while they were taken on the scorpio vehicle, the petitioner shot the deceased Soni Kumari.

4. From the materials available on record it appears that it is Gulshan Yadav who is a main accused and he has killed the deceased along with his three friends.

5. Learned counsel for the petitioners submits that the petitioners are in custody since 16.02.2024 and they have no criminal antecedent.

6. Considering the aforesaid facts, petitioner no.1 (Ramesh Yadav) is granted bail and the prayer for bail of petitioner no.2 (Gulshan Yadav) is dismissed.

7. Let the petitioner no.1 (Ramesh Yadav), 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 A.C.J.M.-VI, Gopalganj in connection with Mohammadpur P.S. Case No. 33 of 2024.



5. Learned counsel for the petitioner submits that the petitioner is in custody since 09.02.2024. He submits that considering the period of custody, the petitioner deserves bail.

6. In the trial, out of eight witnesses, six witnesses have been examined.

7. In view of the judgment of the Hon’ble Supreme Court in the case of *X vs. State of Rajasthan & Anr., 2024 SCC Online SC 3539* observing that once the trial has started and the witnesses are being examined, the accused persons should not be granted bail ordinarily, this application for regular bail is hereby rejected.

8. Accordingly, this application for regular bail is hereby rejected

(Sandeep Kumar, J)

anand/-

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