

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18149 of 2025

Arising Out of PS. Case No.-347 Year-2024 Thana- NAUGACHIA District- Bhagalpur

Dilkhush Yadav Son of Vijay Yadav village- Dimha, Ps- Gopalpur, Dist-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Dimpal Kumari, Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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

ORAL ORDER

4 18-06-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Naugachia P.S. Case No. 347 of 2024 instituted for the offences under Sections 103(1), 3(5) of the B.N.S. and Section 27 of the Arms Act.

3. As per prosecution case, three persons, riding on Apache motorcycle, came near the shop and fired bullets indiscriminately, killing Informant's husband Ravindra Chaudhary and fled away from there. It is alleged that the Informant's husband was murdered due to past rivalry by Luv Kumar, Vijendra Kumar and three Apache-borne persons.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion and his previous criminal antecedents. The petitioner is not named in the F.I.R. and his name has transpired in this case in course of investigation on the basis of confessional statement of the co-accused. The petitioner has not been identified by the Informant who is alleged to be the eye-witness to the alleged occurrence. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner. Learned counsel for the petitioner submits that there is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has altogether eleven criminal antecedents and is languishing in judicial custody since 21.11.2024 without any rhymes or reason. Charge-sheet has been submitted in this case under Sections 103(1), 61(2)(क), 3(5) of the B.N.S. and Section 25(1-b)a, 26, 27, 35 of the Arms Act.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. He further states that the petitioner has eleven



criminal antecedents. The petitioner, in his confessional statement, has also confessed his guilt. From perusal of Para-116 of the case diary, it appears that the statement of the petitioner has led to recovery of country-made pistol and eight live cartridges kept under the *Vindoliya*. The postmortem report supports the prosecution case. After completion of investigation, the charge-sheet has been submitted under Sections 103(1), 61(2)(क), 3(5) of the B.N.S. and Section 25(1-b)a, 26, 27, 35 of the Arms Act and the cognizance has also been taken.

6. Having heard learned counsel for the parties and taking into account the nature and gravity of the offence as also there being direct allegation of firing against the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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