

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19491 of 2025

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

1. Praveen Yadav Son of Rambilash Yadav Resident of Village - Usri, P.S. - Gogri, District - Khagaria
2. Pramod Yadav @ Amit Kumar Son of Rambilash Yadav Resident of Village - Usri, P.S. - Gogri, District - Khagaria
3. Rambilash Yadav Son of Late Tej Narayan Yadav Resident of Village - Usri, P.S. - Gogri, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 02-07-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Gogri P.S. Case No. 364 of 2023 instituted for the offence under Sections 302 & 120(B) of the Indian Penal Code and Sections 25(1-B)a, 26(1), 35 & 27(i) of the Arms Act. Vide order dated 27-09-2024, passed in Cr. Misc. No 35406 of 2024, anticipatory bail of the petitioners was rejected.

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. It has been submitted on behalf of the petitioners that the petitioners are in custody since 08-10-2024. Petitioner No.1 bears three criminal antecedent and petitioner No.2 bears three criminal antecedent, whereas petitioner No. 3 bears three criminal antecedent.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. Learned counsel for the petitioners submits that though petitioners are named in the FIR, but they are not said to be assailant. It is next submitted that as per the FIR, one co-accused, Santosh Yadav, was apprehended at the spot, who disclosed the name of the petitioners and others being involved in the commission of the alleged occurrence as conspirators and according to the FIR, petitioners' role in the offence was only as that of a conspirator. It is further submitted that as per the FIR, the informant claimed herself to be an eye-witness and according to her, three unknown persons riding on a motorcycle



came and started firing, but the name of the instant petitioners were not disclosed by her despite the petitioners being co-villager of the informant, which shows that the petitioner was not present at the place of occurrence. Charge sheet has already been submitted in this case. Other similarly situated co-accused person has been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 26-07-2024, passed in Cr. Misc. No. 33832 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioners, and claim based on parity, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gogri P.S. Case No. 364 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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