

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27533 of 2025

Arising Out of PS. Case No.-397 Year-2024 Thana- KHAGARIA District- Khagaria

Ramvilash Yadav S/O Late Tilo Yadav Resident of village- Mahua Tola
Laxmipur, P.S.- Khagaria (Gangour OP), District- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-05-2025 Heard Learned Counsel for the petitioner, Learned
A.P.P for the State and Learned Counsel for the in formant.

2. The petitioner is apprehending arrest in connection with Khagaria (Gangour) P.S. Case No. 397 of 2024 lodged on 02.08.2024, for the offence punishable under Sections 103 & 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against seven named accused persons including the present petitioner. The specific allegation against the petitioner in the FIR is that he was the order giver and on his instruction, firing was made by other accused persons on the informant's father due to which, he died on the spot. Subsequently, accused persons fled away from the spot by firing in the air.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that there is no act or overt act against the present petitioner and he has falsely been implicated in this case. Counsel further submits that only aspect of the matter is that the criminal antecedent of the petitioner is not clean as there are six cases pending against him in which in all the cases, he is on bail.

5. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that in the rejection order, it has come that petitioner is one of the member of mob and he was the order giver. Counsel submits that para 76 of the case diary is post-mortem report of the deceased in which the doctor has opined that cause of death to be haemorrhagic and neurogenic shock resulting in CRF due to injuries caused by firearm. Counsel further submits that in the case diary, indication has been made in various paragraphs in which petitioner has been shown absconding in the case. There are six criminal antecedents of the petitioner and investigation against petitioner is still pending.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the



petitioner is not clean as there are six cases pending against him and this aspect must be taken into consideration.

7. In the present facts and circumstances particularly the findings of the Sessions Court that petitioner has six criminal antecedents as well as he is absconding in this case, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Dr. Anshuman, J)

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