

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28763 of 2025

Arising Out of PS. Case No.-386 Year-2024 Thana- BAUNSI District- Banka

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Gautam Kumar Yadav @ Gautam Kumar @ Gautam Yadav S/O Kishan
Yadav @ Gulla Yadav @ Kisan R/O Tetariya, P.s.- Bounsi, Dist.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Balram Kapri, Adv.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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

ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Bounsi
P.S. Case No. 386 of 2024 instituted for the offences under
Sections 103(1), 61(2) of the Bhartiya Nyaya Sanhita, 2023 and
Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the
accused persons including the petitioner is of committing
murder of the Informant's son by firing.

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
due to local village politics. There is no eye-witness to the



alleged occurrence. There is no specific or direct allegation against the petitioner except that the petitioner and co-accused Prashant Kumar kick down the deceased namely Mitthu Singh on earth which has come in the confessional statement of the co-accused Ashish Kumar @ Raja. Learned counsel for the petitioner further submits that the co-accused Ashish Kumar @ Raja has confessed his guilt and has specifically stated that he fired upon the deceased namely Mitthu Singh by pistol. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent and is languishing in judicial custody since 04.01.2025 without any rhymes or reason. Charge-sheet has been submitted in this case.

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 is serious in nature. The Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner and others under Sections 103(1), 61(2) of the Bhartiya Nyaya Sanhita, 2023 and Section 25(1-b)a/26/27/35 of the Arms Act.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bounsi P.S. Case No. 386 of 2024.

(Rudra Prakash Mishra, J)

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