

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33954 of 2025**

Arising Out of PS. Case No.-354 Year-2024 Thana- KORHA District- Katihar

Dilip Yadav S/o- Madho Yadav Resident of Village- Kothi Tola Pawai, Ward
No- 13 PS- Korha District- Katihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 35212 of 2025

Arising Out of PS. Case No.-354 Year-2024 Thana- KORHA District- Katihar

Gulshan Kumar S/O Chhattu Sah @ Chhatatu Sah R/O Merajpur, Pawai, PS-
Korha, Distt- Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33954 of 2025)

For the Petitioner/s : Mr.Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Rakesh Narayan Singh, Adv.

Mr. Diwakar, Adv.

Mr. Deepak Kumar, Adv.

For the State : Mr.Md. Shakir Ahmad, APP

(In CRIMINAL MISCELLANEOUS No. 35212 of 2025)

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr. Rakesh Narayan Singh, Adv.

Mr. Diwakar, Adv.

Mr. Deepak Kumar, Adv.

For the State : Mr.Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 22-09-2025 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

2. The petitioners have preferred this application for
grant of regular bail in connection with Korha P.S. Case No. 354
of 2024 dated 30.12.2024 registered for the offences punishable
under Sections 103(1) and 61(2) of the B.N.S. and Section 27 of



the Arms Act.

3. As per the prosecution case, on 29.12.2024 at about 6.00 P.M., the informant's brother, Akhilesh Yadav went to Pawai Chowk on his motorcycle but he did not come back to home till 8.00 P.M. The wife of Akhilesh Yadav called on his mobile then Akhilesh Yadav told that he is at Pawai Chowk and after some time, he will come back. It is further alleged that on 30.12.2024 at about 5.00 A.M. in morning, the informant came to know that his brother was lying dead at Dhobiya Ghat situated at Barandi river. Later on, on information, police reached the place of occurrence and saw that the informant's younger brother Akhilesh Yadav was lying dead at the place of occurrence and there was bullet injury on his chest. The informant has further alleged that Rs. 8,00,000/- of his brother was due on Md. Tarik Shah and due to the said reason, Md. Tarik Shah committed murder with co-operation of some other accused persons.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners are not named in the F.I.R. The name of the petitioners has sprung up in the confessional statement of the co-accused, Md. Tarikh Sah and the confessional statement of the co-accused person before police which has no evidentiary value in the eye of law. The informant is not an eye witness to the alleged



occurrence. The co-accused person has already been granted regular bail by this court vide order dated 09.09.2025 passed in Cr. Misc. No. 41990/2025. The petitioners have no concern with the alleged occurrence. The petitioners have no criminal antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 01.01.2025.

5. Learned A.P.P. for the State and learned counsel for the informant have opposed the bail petition of the petitioners by submitting that the petitioners are involved with the other co-accused persons in the commission of murder of Akhilesh Yadav under conspiracy. Learned counsel has further submitted that the allegation against the petitioner, Gulsan Kumar is of catching hold of the deceased with the other accused persons and the petitioner Dilip Yadav and the co-accused, Md. Tarik Sah fired on the deceased due to which he fell down and died which is evident from the confessional statement of the co-accused, Md. Tarik Sah in para 35 of the case diary. As per the post-mortem report of the deceased, the cause of death is haemorrhagic and neurogenic shock due to firearm injury.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner namely, Gulshan Kumar is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned,



Katihar in connection with Korha P.S. Case No. 354 of 2024 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed with regard to the petitioner namely, Gulshan Kumar.

8. So far as, the petitioner namely, Dilip Yadav is concerned, Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner namely, Dilip Yadav and the same is rejected in connection with Korha P.S. Case No. 354 of 2024, pending in the court of learned Chief Judicial Magistrate, Katihar.

10. Accordingly, the application with regard to the petitioner namely, Dilip Yadav stands rejected.

11. Learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

(Chandra Prakash Singh, J)

Gautam/-

U		T	
---	--	---	--

