

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74527 of 2025

Arising Out of PS. Case No.-34 Year-2019 Thana- UPHARA District- Aurangabad

Bhim Yadv @ Doma Yadav S/O Dharamdeo Yadav R/o vill.- Dandawa, P.S-
Uphara, Dist.- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 05-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Uphara P.S. Case No. 34 of 2019 for the offences under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner and other co-accused persons shot dead the son of the informant.

4. Learned counsel for the petitioner submits that the petitioner was not present at the place of occurrence and he has been falsely implicated in this case. Earlier the petitioner filed Cr. Misc. No. 7893 of 2024 seeking anticipatory bail and the petition was dismissed as withdrawn vide order dated



20.02.2024. Learned counsel further submits that the FIR was lodged after delay of 17 hours which creates doubt over the veracity of the prosecution case. Other co-accused persons have been acquitted vide judgment dated 29.11.2022 passed in Sessions Trial No. 63 of 2021/72 of 2022 by the learned trial court. The informant deposed before the learned trial court that he did not name either the petitioner or any other co-accused persons and he rather deposed that his signature was obtained on a blank paper by the police. The petitioner is having antecedent of three cases.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the second anticipatory bail petition is not maintainable as the petitioner withdrew the earlier application. Learned APP further submits that the acquittal of co-accused persons would not have any bearing on the consideration of anticipatory bail petition of the petitioner, who is also having antecedent of three cases and those cases have been lodged under 307 and other allied sections of the Indian Penal Code and also under the provisions of the Arms Act.

6. Having regard to the facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner and



hence, the prayer for anticipatory bail of the petitioner is rejected.

(Arun Kumar Jha, J)

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