

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86290 of 2024

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

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Anil Yadav @ Anil Kumar Yadav S/O Late Nageshwar Prasad Yadav Village-
Usari P.S.- Gogri District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vivekanand Singh, Adv.

For the Opposite Party/s : Ms.Anita Kumari, APP

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

ORAL ORDER

3 24-01-2025 Heard learned counsel for the petitioner and Mrs.
Renu Kumari, learned APP for the State. Perused the case diary.

2. The petitioner apprehends his arrest in connection
with Gogri P.S. Case No. 364 of 2023 instituted for the offences
under Sections 302, 120(B) of the Indian Penal Code and
Sections 25(1-b)a, 26(1), 35, 27(1) 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 elder son by firing by hatching a
conspiracy.

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 land dispute as well as on the basis of suspicion. The petitioner is not the assailant of the deceased. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature rather the specific allegation of firing is against two unknown culprits. The name of the petitioner has surfaced in this case on the basis of the statement of the apprehended miscreant as a conspirator. The petitioner has no concern with the alleged occurrence. The petitioner has no criminal antecedent.

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 against the petitioner is serious in nature. The Informant in her restatement contained in Para-4 of the case diary has supported the prosecution case. The postmortem report also corroborates the prosecution case. The petitioner is named in the F.I.R. and, hence, he does not deserve privilege of anticipatory bail.

6. Considering the entire facts and circumstances of the case as also taking into account the nature and gravity of the offence, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the



petitioner, above named, is rejected. If the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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