

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16805 of 2026

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

Vivekanand Yadav S/o- Anil Kumar Yadav Resident of village- Usari ward no
14 P.S.- Gogri, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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

ORAL ORDER

2 11-03-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Gogri
P.S. Case No. 364 of 2023, instituted for the offences punishable
under Sections 302, 120(B) of the Indian Penal Code, read with
Sections 25(1-B)(a), 26(1), 35 and 27(1) of the Arms Act.

3. The prosecution case, in short, is that the accused
persons including the petitioner fired upon elder son of the
informant due to which the deceased sustained gunshot injury
on his left chest and he died at the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. Learned counsel for



the petitioner also submits that though petitioner is named in the FIR, but he is not said to be the assailant. It is next submitted that as per FIR, one co-accused, Santosh Yadav, was arrested on spot. No direct and specific allegation has been attributed against the petitioner rather the same is general and omnibus in nature. Name of the petitioner has transpired in this case due to land dispute with the informant. The petitioner has been remanded in this case from 24.01.2026, whereas the petitioner is in judicial custody since 04.11.2025 in Gogri P.S. Case No. 287 of 2025 and has got two criminal antecedents. Learned counsel for the petitioner further submits that other co-accused has been granted regular bail by this Court vide order dated 17.01.2026 passed in Cr. Misc. No. 2137 of 2026.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Gogri P.S. Case No.
364 of 2023.

Rajorshi/-

(Rudra Prakash Mishra, J)

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