

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32526 of 2026

Arising Out of PS. Case No.-397 Year-2024 Thana- KHAGARIA District- Khagaria

Dilip Yadav Son of Vilash Yadav @ Ram Vilash Yadav Resident of Village-
Mahuwa Tola, Laxmipur, P.S.- Gangaur (Khagaria), District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2026 Heard Mr. Sarbottam Kumar Sarkar, learned counsel
for the petitioner and Mr. Narendra Kumar Singh, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
07.01.2025 in connection with Khagaria (Gangaur OP) P.S.
Case No. 397 of 2024 for the offences punishable under
Sections 103 and 3(5) of the BNS and Section 27 of the Arms
Act.

3. The case of the prosecution, in brief, is that
informant got registered an F.I.R. on 02.08.2024 alleging that at
12:10 a.m. seven persons came to Public Sarswati place where
father of the informant works as a watchman. They shot his
father dead with bullets.

4. Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR it appears that the allegation against the petitioner is that he has assaulted on the head of the deceased but the postmortem suggests that there is no injury found on the head of the deceased. It is next submitted that the co-accused person, namely, Varun Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 23.03.2026 passed in Cr. Misc. No. 78229 of 2025 and petitioner is in custody since 07.01.2025.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of six cases other than the present case but fairly submits petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Khagaria and other concerned Court in connection with



Khagaria (Gangaur OP) P.S. Case No. 397 of 2024 subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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