

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36047 of 2026

Arising Out of PS. Case No.-524 Year-2024 Thana- SULTANGANJ District- Bhagalpur

Mukesh Yadav S/o Late Shaligram Yadav Resident of Village- Tilakpur, P.S.-
Sultanganj, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Anand, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 01-06-2026 The Court proceeding is being conducted through
virtual mode.

2. Heard learned counsel for the petitioner and learned
APP for the State.

3. The petitioner is apprehending arrest in connection
with Sultanganj P.S. Case No. 524 of 2024 dated 04/01/2024
lodged under Sections 103(1) & 3(5) of the Bhartiya Nyaya
Sanhita, 2023 (hereinafter referred to as “BNS, 2023”) and
under Section 27 of the Arms Act, pending before the Court of
A.D.J. VIII, Bhagalpur.

4. As per the prosecution, FIR has been lodged against
six named and three unknown accused persons, including the
present petitioner, against whom there is a specific allegation
that the petitioner is the order giver to assault, due to which



firing has been made on the chest, and there is also an allegation of subsequent firing in the FIR.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that in the postmortem report, only one injury has been found, whereas in the FIR, there is an allegation of three injuries. Counsel submits that there was a land dispute going on between the petitioner and the informant. Counsel further submits that the name of the petitioner and other co-accused has been implicated due to the ongoing land dispute between the parties. Counsel submits that nothing has been recovered from the place of occurrence, i.e., empty cartridges or any relevant articles to co-relate the petitioner to the incident. Counsel further submits that the deceased was killed by a single gunshot injury fired from a close range, and on the wound, blackening, charring, and tattooing marks have been found. The allegation of firing is against Anil Singh and not against the petitioner. Rather, the petitioner is alleged to have ordered Fatak Yadav @ Mukesh Yadav to kill the informant's brother. Counsel further submits that the criminal antecedent of the petitioner is not clean, as two criminal cases are pending against him, however, in both cases, he is on bail. Counsel submits further that the petitioner is ready



to fulfil all the conditions whatsoever may be imposed upon him.

6. Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the bail application has been filed for grant of anticipatory bail. Counsel further submits that from the contents of the FIR, it becomes crystal clear that the petitioner is the order giver. He further submits that in the rejection order of the learned Additional Sessions Judge-II, Bhagalpur, passed upon perusal of the case diary, it becomes crystal clear that more than one injury was found on the body.

7. Considering the facts and circumstances of the present case, particularly that the petitioner is the order giver and also that his antecedents are not clean, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

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