

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41716 of 2024

Arising Out of PS. Case No.-380 Year-2022 Thana- GAYA MUFASIL District- Gaya

Mahesh Yadav S/o Late Bhui Yadav @ Babulal Yadav R/o Village-Belhari,
P.S.-Muffasil, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

14 25-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. A prayer for bail has been made on behalf of the petitioner in connection with Gaya Muffasil P.S. Case no.380 of 2022 registered under sections 302 and 34 of IPC and Section 27 of Arms Act.

3. Allegation in the F.I.R is that petitioner along with others fired upon the informant's husband which hit in the head and stomach due to which he succumbed to his injuries.

4. Learned counsel for the petitioner submits that the present application for bail has been filed primarily on the ground of mercy, as the petitioner is an old man suffering from several ailments, including being HIV positive, for which it is contended that proper treatment could not be provided in



custody. It is further submitted that vide order dated 06.12.2024, the petitioner was granted provisional bail for a period of two months and he surrendered within the stipulated time and did not misuse the privilege granted to him during the said period. Subsequently, by order dated 09.10.2025, the Chief Medical Officer was directed to constitute a Medical Board for examination of the petitioner, being an HIV-infected person, and a status report was called for and the report has received, which confirms that the petitioner has tested HIV positive. Further, petitioner has remained in custody since 26.02.2024, except for the intervening period of two months during which he was on provisional bail, and during that time there has been no allegation of misuse of the liberty granted to him.

5. The learned APP for the State has, however, submitted that an earlier report of the year 2024 indicated that proper medical treatment was being provided to the petitioner even during custody.

6. Taking into consideration the serious medical condition of the petitioner, as confirmed by the Medical Board, coupled with the fact that he is more than 62 years of age, this Court is inclined to grant bail purely on humanitarian grounds, considering his health condition and his old age. Let the



petitioner be enlarged on bail in connection with Gaya Muffasil P.S. Case no.380 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned where the case is pending/successor Court, subject to further condition that the petitioner shall cooperate in the trial in every possible manner and shall not cause any impediment in the proceedings, ensuring expeditious disposal of the case.

(Soni Shrivastava, J)

Harsh/-

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