

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71039 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- UCHKAGAON District- Gopalganj

Akshay Yadav, Son of Vinod Yadav, R/O Ujra Narayanpur, P.S.- Uchkagaon,
District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Ranjan, Advocate Mr. Anuj Kumar, Advocate Mr. Shreyanshu Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Pandey, APP
For the Informant	:	Mr. Harsh Singh, Advocate Mr. Abhijeet, Advocate

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

7 03-07-2026 Heard Mr. Rajesh Ranjan, learned counsel duly
assisted by Mr. Anju Kumar, learned counsel for the petitioner;
Mr. Harsh Singh, learned counsel for the informant and Mr.
Sanjay Kumar Pandey, learned A.P.P. for the State.

2. Petitioner, who is in custody, seeks bail in
connection with Sessions Case No.208 of 2025 arising out of
Uchkagaon P.S. Case No. 12 of 2025 registered for the offences
punishable under Sections 103, 3(5) of the Bharatiya Nyaya
Sanhita, 2023 and Section 27(3) of the Arms Act, 1959.

3. As per the prosecution case, the informant has



alleged that on 10.01.2025 his elder brother, namely, Arvind Kumar Yadav, while going to school on his motorcycle, saw that the named accused persons including the petitioner started indiscriminate firing upon his brother hitting him on his chest and abdomen upon which he fell down. It is further alleged that the villagers came to the place of occurrence upon hearing the sound of firing and thereafter the accused persons fled away on two motorcycles and thereafter, the informant's brother was taken to the Sadar hospital in a car, where the doctor declared him dead.

4. Mr. Rajesh Ranjan, learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in a concocted case as from the FIR it would appear that the informant was not an eyewitness to the occurrence. It has further been submitted that during the course of investigation one non-FIR named accused, namely, Abhishek Kumar in his confessional statement before the police took the name of present petitioner regarding his role played in the alleged occurrence. It has next been submitted that such confessional statement is inadmissible in evidence and cannot be relied upon.

5. Learned counsel for the petitioner submits that the



materials collected during the course of investigation is insufficient to substantiate direct involvement of the accused persons, including the present petitioner and no incriminating article has been recovered from the conscious possession of the petitioner. The learned counsel for the petitioner has pointed out towards Annexure-2, whereby co-accused persons, namely, Mohmad Nazir Alam, Sakil Ahmad @ Sakil @ Jhuna Alam and Niraj Singh were granted bail by this Court and submits that the case of the petitioner stands on similar footing. It has lastly been submitted that the investigation is complete and the police has submitted charge-sheet on 10.04.2025 and the petitioner is languishing in jail since 12.02.2024. Learned counsel has though admitted the fact that the petitioner carries ten criminal antecedents.

6. Mr. Harsh Singh, learned counsel for the informant submits that the petitioner cannot equate his case with the other accused persons, who have been granted bail earlier by this Court, as the petitioner was not only named by the informant in the FIR but also by the apprehended co-accused persons in their confessional statement. It has further been submitted that during investigation the active role of the petitioner has been stated by the co-accused persons and his presence at the place of



occurrence cannot be doubted. It has next been submitted by the learned counsel for the informant that the petitioner was among the accused persons, who had fired upon the brother of the informant leading to his death and looking at the long list of criminal antecedents of similar nature, the petitioner does not deserve to be released on bail.

7. The learned counsel for the informant has pointed out that the petitioner has not come with clean hands before this Court, as it would be evident from the fact that Gopalganj Town P.S. Case No.75 of 2022, in which the present petitioner is also an accused, which is stated in paragraph '3(j)', therein Section 302 I.P.C. has been deliberately omitted. He submits that the submissions made by the learned counsel for the petitioner that the petitioner is in custody since more than 2 years and 4 months is also wrong, as the FIR was lodged on 10.01.2025 and the petitioner is in fact in custody since 12.02.2025 and therefore, it is only 1 year and 4 months of his custody.

8. The learned A.P.P. has vehemently opposed the prayer for bail and has stated that the petitioner being one of the assailants should not be released on bail specially taking into account that he has a long list of criminal antecedents and he would influence the witness yet to be examined.



9. Considering the aforesaid submissions made on behalf of the petitioner and taking into account the postmortem report, which shows six entry wounds and five exit wounds and the cause of death being hemorrhage and shock due to bullet wounds, the allegations in the FIR stands corroborated. Moreover, this Court finds that the informant has specifically named the petitioner among one of the main assailants and subsequently, the apprehended accused persons in his confessional statement has also taken the name of this petitioner. This Court also finds that in the bail application in paragraph '4' the custody of the petitioner has been stated 'since 12.02.2024' (after striking off 12.02.2025), instead of 12.02.2025, which amounts to misleading the Court, however, for a case lodged in the year 2025, it cannot be assumed that the petitioner would have been in custody since 2024.

10. Looking at the antecedents of the petitioner and the nature of offences alleged against him, which includes Sections 302 and 307 of the Indian Penal Code as well as offences under the Arms Act, 1959, as also the fact that the petitioner is a named accused in the FIR with allegation of firing upon the brother of the informant leading to his death, I am not inclined to release the petitioner on bail.



11. Accordingly, the prayer for bail is rejected.

12. It is made clear that the observation, if any, made
in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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