

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79448 of 2025

Arising Out of PS. Case No.-35 Year-2024 Thana- GOPALGANJ TOWN District- Gopalganj

Yogendra Pandit S/o Late Gokhula Pandit R/o Village- Banjaari, P.S.- Town,
District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P. N. Shahi, Sr. Advocate Mr. Satya Ranjan Sinha, Advocate Ms. Seema Kumari, Advocate Mr. Dhananjay Kumar, Advocate Ms. Srishti Kumari, Advocate
For the Informant	:	Mr. Mithilesh Kumar Upadhyay, Advocate Mr. Raju Prasad, Advocate
For the State	:	Dr. Mrityunjaya Kr. Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 11-02-2026 Heard Mr. P. N. Shahi, learned Senior Counsel for the petitioner; learned APP for the State and learned counsel for the informant.

2. This is the second attempt on behalf of the petitioner for grant of bail in connection with Gopalganj Town P.S. Case No. 35/2024 registered for the offence punishable under Sections 302/120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act

3. Earlier the bail application of the petitioner has been rejected vide order dated 21.01.2025 passed in Cr. Misc. No. 34146 of 2024, which reads as under:



“Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Gopalganj Town P.S. Case No. 35/2024 registered for the offence punishable under Sections 302/120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. In the F.I.R., six persons are named who have participated in the killing of the deceased. Mukesh Kushwaha and Rajpal Kushwaha are the assailant of the deceased. They have shot at the head of the deceased.

4. Learned counsel for the petitioner submits that there is no allegation of any overact against the petitioner though the petitioner is named in the F.I.R. The petitioner is in jail since 29.02.2024 and he deserves bail.

5. Learned Additional Public Prosecutor has taken this Court through the case diary in which it has come that it is petitioner who had given the contract for killing the deceased and he had arranged the person to identify the deceased i.e. he is a part of the conspiracy and the murder has been committed at the instance of the petitioner. The petitioner is also accused in 18 serious cases.

6. Considering the fact that the petitioner is a part of the conspiracy of contract killing and has initiated the crime by arranging the person to identify the deceased who has been subsequently killed by the assailants namely Mukesh Kushwaha and Rajpal Kushwaha, I am not inclined to grant bail to the petitioner. It is accordingly dismissed.

7. The trial Court is directed to expedite the trial.”

4. It is argued by Mr. P. N. Shahi, learned Senior Counsel for the petitioner that the trial is being delayed and the petitioner is not the assailant of the deceased.



5. Learned counsel for the informant has submitted that because of the non appearance of the co-accused, who have been granted bail, the charges are not being framed.

6. In these circumstances, when the trial is being delayed by the prosecution, I am not inclined to grant bail to the petitioner in such a serious case when he had given the contract for killing the deceased.

7. Accordingly, the application stands dismissed.

8. In course of argument, Mr. P. N. Shahi, learned Senior Counsel for the petitioner has argued that the wife of the petitioner is suffering from cancer and therefore this may be a ground for grant of bail.

9. In my opinion, this will not be a ground for granting permanent bail. The petitioner is given liberty to file a fresh application for grant of provisional bail on the ground of illness of his wife.

(Sandeep Kumar, J)

P. Kumar

U		T	
---	--	---	--

