

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88471 of 2025

Arising Out of PS. Case No.-364 Year-2023 Thana- GOGRI District- Khagaria

1. Saurav Kumar @ Saurav Yadav Son of Bhupendra Yadav R/o Village - Usri, P.S. - Gogri, Dist. - Khagaria.
2. Gaurav Kumar @ Aman Kumar @ Gaurav Yadav Son of Bhupendra Yadav R/o Village - Usri, P.S. - Gogri, Dist. - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Mayank Raj, Advocate
Mr. Rahul Singh, Advocate
Mr. Adarsh Prasad, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 15-01-2026 Heard learned senior counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Gogri P.S. Case No. 364 of 2023, G.R. No. 3497 of 2023 instituted for the offences under Sections 302, 120B of the Indian Penal Code and 25(1-b)a, 26(1), 27(1), 35 of the Arms Act

3. Prosecution case, in short, is that the informant's son was shot dead by motorcycle-borne assailants at a cattle feed shop due to an alleged land dispute; one accused was caught by villagers but later died due to mob assault. It is further



alleged that the murder was committed pursuant to a pre-planned conspiracy involving named relatives and associates, and arms, ammunition, and the motorcycle used in the offence were recovered from the spot.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and have falsely been implicated in the present case due to dirty village politics and prevailing land dispute. Learned senior counsel for the petitioners further submitted that general and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. He further contended that petitioners are not the assailants and not a single witness has come forward to support the involvement of the petitioner in the commission of offence as alleged in the FIR. It is further submitted that from the plain reading of the F.I.R., it is manifest that the actual occurrence is attributed to three unknown motorcycle-borne miscreants, out of whom only one was apprehended and subsequently fell victim to mob lynching. The F.I.R. does not disclose the presence of the petitioners at the place of occurrence nor does it assign any specific overt act to them. It has been submitted on behalf of the petitioners that the petitioners have no criminal antecedent.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the petitioners, above named, in the event of arrest/surrender before the lower court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gogri P.S. Case No. 364 of 2023, G.R. No. 3497 of 2023, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarika Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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

