

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2137 of 2026

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

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Anil Yadav @ Anil Kumar Yadav S/o Late Nageshwar Prasad Yadav Resident
of village- Usari, P.S.- Gogri, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Sinha, Advocate
		Mr. Chandan Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Nityanand Tiwari, APP

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

ORAL ORDER

2 17-01-2026 Heard Mr. Rajesh Sinha, learned counsel for the petitioner
and Mr. Nityanand Tiwari, learned APP for the State.

2. The petitioner seeks bail in connection with Gogri
P.S. Case No. 364 of 2023 instituted for the offence under
Sections 302 & 120(B) of the Indian Penal Code and Sections
25(1-B)a, 26(1), 35 & 27(1) of the Arms Act.

3. As per prosecution case, the allegation against the
accused persons including the petitioner is of firing upon the
elder son of the informant due to which the deceased sustained
gunshot injury on his left chest and he died at the spot. It is
alleged after firing, two of the accused persons managed to flee
away from the place of occurrence but, one of them namely
Santosh Yadav was apprehended and assaulted by the mob and



was handed over to the police.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.11.2025. Petitioner bears one criminal antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that though petitioner is named in the FIR, but he is not said to be the assailant. It is next submitted that as per the FIR, one co-accused, Santosh Yadav, was apprehended at the spot, who disclosed the name of the petitioner and others being involved in the commission of the alleged occurrence as conspirators and according to the FIR, petitioner's role in the offence was only as that of a conspirator. Charge sheet has already been submitted in this case. Other similarly situated co-accused person has been enlarged on bail by a Co-ordinate Bench of this Court vide order dated 26-07-2024, passed in Cr. Misc. No. 33832 of 2024.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, and claim based on parity, this Court is inclined to grant bail to the petitioner.



8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) 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, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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